

January 30, 2007



TRANSCRIPT
January 30, 2007

MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Marilyn J. Praisner, President	Councilmember Knapp, Vice President
Councilmember Marc Elrich	Councilmember Valerie Ervin
Councilmember Nancy Floreen	Councilmember Roger Berliner
Councilmember Phil Andrews	Councilmember George Leventhal
Councilmember Duchy Trachtenberg	



January 30, 2007

1 Council President Praisner,
2 Good morning, ladies and gentlemen. If we could please rise for invocation, we are
3 joined by Reverend Rosetta Robinson from Community Ministry of Montgomery County.
4

5 Reverend Rosetta Robinson,
6 A thought as we prepare for prayer. Hear the words of John Wesley, Founder of United
7 Methodism. Do all the good you can, by all the means you can, in all the ways you can,
8 in all the places you can, to all the people you can, as long as ever you can. Shall we
9 pray? Oh, God, as the Montgomery County Council and residents of Montgomery
10 County begin a new year of making resolutions to live healthy, to enjoy family, to relax,
11 to sleep more, to get the rest, to read more books, may the words of John Wesley ring
12 in their hearts. As the County Council begins looking at legislation and hold hearings
13 and addresses the infrastructure needs of Montgomery County from police, and
14 volunteer fire, and the schools, and nonprofits, and public-service agencies, may these
15 words of John Wesley ring loudly in their ears and hearts and may every citizen, every
16 member of a congregation that is involved in service and outreach and residents in the
17 County who have come from other countries and residents who are born here, may
18 these words ring in their hearts so that the work that we do will be work that will surely
19 be work that will do all of the good that we can, by all the means we can, in all the ways
20 we can, in all the places we can, to all the people we can, as long as ever we can.
21 Particularly, as we serve the needs of the poor in this community, this is my prayer, this
22 day. Amen.
23

24 Council President Praisner,
25 Amen. Thank you. General business before the Council, Linda Lauer.
26

27 Linda Lauer,
28 We have no changes this week and we have no petitions. Thank you.
29

30 Council President Praisner,
31 Okay, no changes, no positions, no petitions. I just want to make note of the fact that
32 today is Purple Line Rally Day in Annapolis. Obviously, because of the business of the
33 Council, we can't be there in person, but we are there in spirit and I want to thank my
34 colleagues for their purple attire. Either slight or major. Thank you. We have minutes,
35 Madame Clerk.
36

37 County Clerk,
38 We have the minutes of January 16th for approval.
39

40 Council President Praisner,
41 Do I have a motion? Mr. Andrews, second, Mr. Leventhal, all in favor, unanimous
42 among those present. Consent calendar, and I would like to pull item J from the consent
43 calendar for a separate item waiting for, I believe, the County Executive to join us but if



January 30, 2007

1 we can have a motion on all of them. Okay, moved and seconded. And I would like to
2 note Mr. Leventhal you, you wanted to comment.

3
4 Councilmember Leventhal,
5 Well, first of all Madame President, I don't think it's fair to suggest the men are not
6 adequately purple because they don't make purple suits for men or even if they did, I
7 don't think we would wear them.

8
9 Council President Praisner,
10 No zoot suits left in purple somewhere?

11
12 Councilmember Leventhal,
13 You know I, I was happy to spend a small amount of time at the Women's Legislative
14 Conference but I do need to speak up for the men from time to time and we don't have,
15 I have yet to see a purple jacket for sale that I could wear but I do have a purple tie and
16 shirt.

17
18 Council President Praisner,
19 And not only that, but your purple shirt -- purple tie has a purple line through it, so I

20
21 Councilmember Leventhal,
22 Yeah, that's right.

23
24 Council President Praisner,
25 want to congratulate you on that.

26
27 Councilmember Leventhal,
28 I wanted to thank the Council President and the Council Vice-President and Mr. Berliner
29 for their co-sponsorship of item I on the Consent Calendar. What this resolution will do
30 is it will state the sense of the Council that we should erect signs th each entrance to the
31 Agricultural Reserve in Montgomery County, this is consistent with longtime
32 recommendations of our Department of Economic Development and Chairman Chris is
33 here who is our Agricultural Specialist in the Department of Economic Development that
34 we should take every step that we can to inform the public about the great work that we
35 have done to maintain this extraordinary resource, this nationally recognized, award
36 winning resource that later this morning we will hear about the recommendations to
37 preserve it forever. Now, Tina Brown, who many of us know, and this is not necessarily
38 what the signs will look like, this is an example of what they might look like and if I could
39 get for those watching at home, the camera to take a look at this artwork here that
40 Barnesville artist Tina Brown has developed. This is an example of how these beautiful
41 signs might look and we will provide copies of this to our friends from the press. Jeremy
42 Chris is already at work identifying resources to get these signs up. We will be in
43 communication with the State Highway Administration, with our own Department of
44 Public Works and Transportation and Department of Permitting Services in the hope



January 30, 2007

1 that we may be able to get these signs up during this calendar year. So, I think that this
2 will significantly increase public awareness and my hope is that as we talk about growth
3 over the course of the year and as we adopt a Growth Policy, that as we also work to
4 maintain our Agricultural Reserve, that more members of the public will appreciate the
5 really extraordinarily good work we have done in this County to locate growth where we
6 think it should grow and to preserve our very, very low density rural parts of the County
7 and protect those from growth and development. We are going to be having a lot of
8 conversation about that this morning and later during the year, but I am just very, very
9 pleased that we are going to be passing this resolution and informing the public of
10 exactly where the Agricultural Reserve is located and what a really large land area it is.

11
12 Council President Praisner,
13 Thank you, Mr. Andrews?

14
15 Councilmember Andrews,
16 I want to speak on the item you have pulled. Madame Chair, can I do that now, Madame
17 President?

18
19 Council President Praisner,
20 Sure.

21
22 Councilmember Andrews,
23 Okay, alright I wanted to just talk about the significance briefly of the agreement that I
24 believe we are about to approve between the County and the Montgomery County
25 Volunteer Fire and Rescue Association. We have a terrific fire service in this County,
26 that's composed of career and volunteer members and what this agreement does is
27 really to highlight the critical role that volunteers play in the system. We have
28 approximately 1,000 dedicated volunteer fire and rescue personnel. They save the
29 County taxpayers millions of dollars every year by their service, and by their
30 extraordinary commitment to the community and we have to note, it is getting more
31 difficult to recruit and retain volunteers. This is challenging, it is being faced by all
32 departments across the country that have volunteers and we need to do everything we
33 can to help sustain the system and continue it to enable to thrive and that may involve
34 adjustments to training classes so that they are more available when volunteers can
35 attend. It involves helping with expenses so that people don't have to pay to be a
36 volunteer by providing their own the equipment, things like that. This agreement is an
37 important step. It is really a landmark agreement as far as the nation goes in this area
38 and it reflects the commitment of this County to maintain a strong combination system
39 of career and volunteer fire and rescue service and I want to commend all those who
40 had a hand in it and I want to thank Councilmember Knapp for his leadership in this
41 area and this was an important part of Bill 36003 and I think Councilmember Knapp is
42 going to address that as well.

43
44 Council President Praisner,



January 30, 2007

1 So, Vice-President Knapp.

2
3 Councilmember Knapp,

4 Thank you Madame Chair, I have comments on both Item J and on Item I and I just
5 want to think Mr. Leventhal and President Praisner for their leadership in the Ag
6 Reserve activities. Something as simple as a sign would appear to be just that, simple
7 and mundane. But, the reality is I talked to folks in the Ag Reserve, on a good day,
8 depending on how you want to do the math, we have maybe 40,000 to 50,000 people
9 who live in or immediately adjacent to the Ag Reserve, which means in a County of our
10 size, we have nearly 900,000 people who live somewhere not in the Ag Reserve and
11 even those folks who live in communities like Germantown, and some in Damascus,
12 even those who have started moving to Clarksburg, who live right near the Ag Reserve,
13 don't necessarily recognize the beauty and the jewel and the open space that is
14 immediately around them and so, this signage will help, I hope, in our efforts to broadly
15 market and make more of the public aware of what it is that we have done in this
16 County and when they kind of cross the threshold to enter it and I think that is important.
17 It's only one step but one of many that we need to do to market the Ag Reserve so
18 people know what it is and are aware of it when they cross it's boundaries and are
19 participating in activities within it. And so, I thank you for your efforts there because I
20 think it will be a critical step and I know that Jeremy is working hard to try and get this
21 implemented and Tina has done many, many illustrations, from the map that they did
22 last year to the signs, representing artistically the various elements of the Ag Reserve
23 and so I thank her for her continued advocacy as well. As it relates to the memorandum
24 of agreement between Montgomery County Government and MCVFRA, I want to thank
25 all who are involved. As we debated on 36-03, one of the big issues that came about
26 was how do you provide a measure of equity within our fire and rescue service that
27 recognizes the contribution of everyone in a combined service. And so, one of the
28 things that the Council did was to effectively set up in parallel tracks, an agreement
29 process between Montgomery County Volunteer Fire and Rescue Association similar to
30 what we already had in place with the union. And this was the first iteration of that
31 agreement which I think embodies and codifies that equitable relationship within our fire
32 and rescue service and I think there are, as we discussed in the public safety
33 committee, there are some elements that will still need to be flushed out over the
34 coming year especially as it relates to length of service awards programs but this is a
35 one-year agreement that will then put the volunteer service on the same time schedule
36 as well with the union negotiations that are agreed to about every three years. And so,
37 there are pieces that are significant that will be put in place with this agreement and the
38 some other elements over the course of the next eight months or so that will be studied
39 and refined so that when everyone comes to the table in the fall some very important
40 elements that, I don't think are in this agreement yet, should be covered in the
41 agreement that we will see approved next year at this time and so, I just want to thank
42 MCVFRA for bringing all of their resources to the table to bring forward a very solid
43 proposal but also thank the elements of County Government that have negotiated in
44 good faith to bring forward what I think is a –a landmark agreement. I was impressed at



January 30, 2007

1 the Examiner this morning which said first of its kind in the country and as I have heard,
2 there are other as volunteers who represent significant fire and rescue resources
3 throughout the country. Many, many small communities are having a difficult time trying
4 to recruit and retrain volunteer fire and rescue personnel. This may be able to serve as
5 a model to other municipalities can look to to replicate as well I hope. And so I want to
6 thank you all for your efforts and look forward to its passage later on.

7
8 Council President Praisner,

9 Thank you very much. I just wanted to make note of a couple of items on the Consent
10 Calendar and reserve my comments on item J for the County Executive who should be
11 joining us shortly. I want to comment on the actions we are taking on L and M. M first
12 because I see Mr. Diamond standing in the back of the room. The Council is confirming
13 in this action the appointment of Robert Diamond as Marketing Manager for the
14 Department of Economic Development and we will be taking action on other personnel
15 items associated with the department shortly but Mr. Diamond's appointment is part of
16 the Consent Calendar. He had an excellent interview with the PHED Committee and we
17 welcome him on board to this very important function. And secondly, we will do that.
18 Secondly, I just wanted to comment on the Merit System Protection Board Appointment
19 which the Management and Fiscal Policy Committee is making. Personally, I want to
20 thank the retiring member of the Merit System Protection Board, Harold Kessler, who
21 has served a significant amount of time in that position. This is a very critical Board
22 related to functions of personnel within the County. It is a small Board. They have a lot
23 of work to do, a lot of responsibility. Welcome Mr. Wood, Brian Wood to that job. But
24 thank also Mr. Kessler for his outstanding service to Montgomery County in that position
25 over more than the level of years that one would expect one to serve. So, we have the
26 Consent Calendar in front of us. All in favor? That is unanimous. I would like to now take
27 Item J, which is the Resolution to approve the Memorandum of Agreement between
28 Montgomery County Government and the Montgomery County Volunteer Fire Rescue
29 Association. Ask the County Executive if he would like to come forward as well and folks
30 from the Fire and Rescue Association to come forward. As my colleagues have
31 indicated, and ask Chief Carr to come forward, as my colleagues have indicated, this
32 may be or as we think it is, one of a kind so far in the nation. It is an agreement between
33 the County Government and the Volunteer Fire and Rescue Association. Given the
34 significant relationship and responsibility that we have created in this joint system,
35 including an integral part for the volunteers, and our desire as we have passed
36 legislation creating the chief's position, Chief of Fire and Rescue, also want to reinforce
37 over again, and especially through this agreement, the important and significant role
38 volunteers must play and should play and have played. But, we are going to play it
39 forward, so to speak, with this agreement must continue to play in Montgomery County.
40 Mr. County Executive, any comments you'd like to make?

41
42 Isiah Leggett,

43 Yes please. Thank you. First of all, I wanted to congratulate the Council and former
44 County Executive for implementing this historic agreement. As you have indicated, this



January 30, 2007

1 is a historic agreement that I think will go a long ways in continuing the very fine
2 services we have in our outstanding dual system. So I am here to congratulate and to
3 lend my voice of support for the work that this Council and others have done in the past.

4
5 Council President Praisner,
6 Thank you. Marcy, would you like to say something?

7
8 Marcine Goodloe

9 Yes, on behalf of the volunteers of Montgomery County and probably across the nation,
10 we want to express our deep pride and our thanks to Montgomery County for taking this
11 lead. The County Executive, the County Council, our fire chief, negotiators, we want to
12 say thank you, thank you. We know this is going to have a positive impact across this
13 nation. We have people that are waiting to talk to us about what is happening as well as
14 the Maryland State Fireman's Association has asked us to put on a symposium about
15 the contract. So, thank you very much.

16
17 Thomas Carr,

18 Just very quickly, this is so exciting, it really identifies who is doing the work, how they're
19 doing the work, how they're going to do the work and continues to reiterate the powerful
20 fire service we have here in Montgomery County and – and thanks to you all for your
21 support and thanks to the MCVFRA for working through this momentous agreement.

22
23 Eric Bernard

24 I would like to reiterate and say thank you. The Volunteer Fire and Rescue Service went
25 into this with one goal and that goal was to complete this contract, have agreement with
26 the County, with the fire chief and we did that and we did that in harmony, we did that
27 through some tough work and we did that through compromise. In the end we're very
28 pleased where we are today. We look forward to coming before you again in 15 months
29 with our second agreement as Mr. Knapp pointed out, there are some areas that we
30 couldn't come to agreement on because we needed more work. We needed to do some
31 more study but we are thrilled to be here today. The volunteers are proud, I am proud. I
32 thank the fire chief for his hard work and those underneath him and those people from
33 OHR that worked with us till 4:30 in the morning some mornings negotiating.
34 Volunteerism is very important. Volunteer does not necessarily mean free but it does
35 mean no salary which does have a tremendous savings to the County. We're thrilled to
36 be here. Thank you.

37
38 Council President Praisner,

39 Thank you. Public Safety Committee is recommending approval. Motion from
40 Councilmember Andrews and second from the Vice-President, Knapp. All in favor of the
41 agreement, raise your hand. That is unanimous. Congratulations to all of you.
42 (applause) Thank you very much. You have some certificates and plaques to present,
43 yes.



January 30, 2007

1 County Executive Leggett

2 Madame President, this is a plaque in recognition of the agreement today and it says
3 first in nation with outstanding service here -- negotiation agreement that we've just
4 indicated so I want to present this to you.

5
6 Council President Praisner,
7 Oh me? Why me? (laughter) Thank you, terrific.

8
9 County Executive Leggett
10 Marcy, one for you as well. Congratulations. (applause)

11
12 Marcine Goodloe
13 Thank you so much. Thank you.

14
15 Chief Carr
16 And this last one is for the County Executive.

17
18 Council President Praisner,
19 (multiple voices) Thank you, we'll put it in the Council's bookshelf where all of our
20 plaques and certificates are. Thank you. Thank you so much. Thanks Tom for all your
21 work. Thanks Eric. Thank you. (applause) Okay, we have some confirmations to do of
22 County Executive appointments. I don't know if the CAO and I'm not sure if the County
23 Executive can stay or would like to join us. The first is for the Director of the Department
24 of Economic Development, Pradeep Ganguly. Is there a motion?

25
26 Councilmember Knapp,
27 Approval.

28
29 Council President Praisner,
30 Vice-President Knapp, second by Councilmember Trachtenberg, any comments that
31 anyone would like to make? Councilmember Knapp.

32
33 Councilmember Knapp,
34 I just want to congratulate Mr. Ganguly on his appointment and presumed confirmation.
35 I think that the position that you are coming into is critical and I think the article on the
36 front page of today's Washington Post points to it. I am not necessarily suggesting that
37 we should be in competition with Fairfax County but I think the issues that it points to
38 are how do we make sure that our economy, the base of our economy, our technology,
39 and biotechnology community continues to grow and thrive and I think that we as a
40 region are doing good things and I think that is what the article is outlining but I think it is
41 also important for us to continue to build upon the past successes and continue to have
42 a vision for the future and so I think that you come to the table with a well equipped
43 background and I look forward to working to implement yours and the County
44 Executive's vision to make sure that that economic growth can continue to be sustained.



January 30, 2007

1
2 Council President Praisner,
3 Well said. All in favor of the appointment, please indicate by raising your right hand. It is
4 unanimous. Congratulations. (applause)

5
6 Pradeep Ganguly,
7 Madam President and Councilmembers, I thank you for your affirmation, for your
8 support for me and I am – I come to this job very excited and getting ready to start
9 working immediately. I understand your concerns and your vision for Montgomery
10 County and I will do the best I can to make that a successful story. I did want to add that
11 I did wear a purple tie today. (laughter)

12
13 Council President Praisner,
14 Thank you so much. We look forward to working with you as well as with Mr. Diamond.
15 Let's give Mr. Diamond a round of applause. (applause) Thank you. The next
16 appointment is the for Director of Department of Finance, Jennifer Barrett, no stranger
17 to the Montgomery County Council. I would like to take the personal privilege of moving
18 that appointment, since I believe among the Councilmembers sitting on this side of the
19 table I have had the longest working relationship with Jennifer in a variety of positions
20 but especially in her responsibilities dealing with preparing the County's presentation
21 and -- and package and proposal for its bond offering and option each year. And in
22 every case, whether it be that or the other interactions that we have had, Jennifer is the
23 consummate professional, dedicated to Montgomery County, and to ensuring that her
24 function and all of the Department of Finance operates in the most professional, most
25 effective, most efficient manner and I know that that is going to be the commitment that
26 she will continue having had the baton passed from the gentleman to her right. I will
27 then gladly make the motion for approval of the appointment of Jennifer Barrett for the
28 Department of Finance. Is there a second?

29
30 Councilmember Elrich,
31 Second.

32
33 Council President Praisner,
34 Mr. Berliner. Oh, Mr. Elrich, I'm sorry. Marc, did you want to comment as well?

35
36 Councilmember Elrich,
37 I have none of the experience you have in working with her, but I'm impressed by the –
38 by the kind of people that the County Executive's brought forward and I'm just really
39 happy to see the positions being filled and getting ready to take the stage for the next –
40 the next government of Montgomery County.

41
42 Council President Praisner,



January 30, 2007

1 Thank you. There are no other lights. Those in favor of confirming the appointment of
2 Jennifer Barrett to the Department of Finance, please indicate by raising your hand.
3 That is unanimous. (applause) Jennifer, don't you want to say anything?
4

5 Jennifer Barrett,

6 Thank you very much. I do know how the mics work, that's one advantage here. I want
7 to apologize for not getting the message about wearing purple but I do support those
8 efforts too and just thank you very much for your confidence. I thank the County
9 Executive for his confidence and the CAO also and the -- and thank you to the support
10 of all the wonderful people in the Department of Finance, my friends and I have, my son
11 is in the back of the room to support me as well. Thank you very much.
12

13 Council President Praisner,

14 Now, the stories I've heard about you. (laughter). I'm glad to see you. Thank you. Thank
15 you Jennifer, we look forward to working with you. (applause) I want to note, it looks like
16 the County Executive is wearing a purple tie. Very good. Our final appointment is to the
17 -- for the Director of the Department of Recreation, Gabe Albornoz and welcome him
18 here. Is there a motion? Motion by Mr. Andrews and second by Mr. Leventhal to
19 approve the appointment. I look forward as I think all of the Councilmembers we met
20 this morning with the Board of Education and talked about collaboration and the fact
21 that we are going to schedule a joint meeting between the Board and Council to receive
22 the collaborations report on after-school programs. As I indicated to them, when we do
23 that scheduling, it was my goal that the Department of Recreation would be present. So,
24 before we take the confirmation, I am sure you will agree that you will be there.
25 (laughter). I just want to get that on the record before we scheduled it. We've got it on
26 tape. And one of the other issues that we talked about is -- is the gang problems and
27 challenging the County and certainly given your commitment and interest in those
28 issues, and your responses to questions, we look forward to working with you, not just
29 on that piece of recreation but also for the whole community including our growing
30 senior population, which are very active -- who are very active users of our services.
31 There are no further lights. All in favor of the confirmation, please indicate by raising
32 your right hand. It is unanimous. Congratulations. (applause)
33

34 Gabriel Albornoz,

35 Thank you all of you for your vote of confidence. I'm very much looking forward to
36 working with you on many of the issues that you just discussed and I also want to thank
37 the County Executive for allowing me to join his very important team, so thank you very
38 much. I also want to thank the department for their support throughout this process and
39 I look forward to working with them. Thank you..
40

41 Tim Firestine

42 I just want to comment. Gabe's been hard at work even though he's not on the payroll
43 because every forum I have been to he has been there too so he is --.
44



January 30, 2007

1 Council President Praisner,
2 Terrific. Then he should have good notes as to what the community's expectations are
3 for budget and other priorities. Thank you very much. We look forward to working with
4 you. (applause) Okay, we then will move to District Council Session. Only a few minutes
5 behind schedule. The item before us this morning is Action on a Subdivision Regulation
6 Amendment, 06-03, Preliminary Subdivision Plans – Approvals - Application of Growth
7 Policy Amendments. The committee unanimously recommends approval of this
8 modifications as presented by the committee's review and consideration and we will let -
9 - I will let staff go over the modifications. Let me just make a couple of comments
10 though. I appreciate the controversies and issues that have surrounded the Subdivision
11 Regulation discussion and also, the myriad of views and concerns in both support and
12 opposition to this as it was first presented. It was never intended to shut down
13 development in Montgomery County, nor would it have. And the modifications that have
14 been made certainly do make significant changes even to those intent. What is
15 presented for you now, is a play it forward notice to those who apply for a Preliminary
16 Subdivision Plan as of the first of January that those approvals will have within those, if
17 they are approved by the Planning Board prior to August 15th, a notice that the
18 application may if the new Annual Growth Policy applies, may have to be reopened to
19 tie with the Annual Growth Policy modifications. It does not have the same requirements
20 on those that had been filed prior to January 1st. It also is obvious, if folks know the
21 planning process in Montgomery County, that very few, if any, applications will be
22 reviewed by the Planning Board before that August 15th time period, by which time the
23 Council will have acted on the new Annual Growth Policy. Even with that, there are
24 some exceptions that have been considered in order to allow those approvals to stand
25 so to speak and I will let staff go through the recommendations and recognize the
26 Councilmembers who may have questions or comments. Mr. Faden?

27
28 Michael Faden,
29 Very briefly, Madame President, as you said, the amendment as reported by the
30 committee deletes the requirement that the Board not go ahead with approvals during
31 this period. Instead it allows them to do so conditionally with the requirement to reopen
32 those approvals later and the keywords on lines 20 through 22, as necessary to assure
33 that all development permitted under each plan complies with all applicable Growth
34 Policy and other adequate public facilities requirements. In effect, this serves as a
35 notice to applicants and the public that a plan approved during this period may be
36 subject depending on what the Council does later this year, in revising the Growth
37 Policy and any other adequate public facility requirements to those later requirements
38 even if the plan is approved earlier. As you mentioned, there are several specific
39 exceptions which really start on the top of page four of the amendment. The exceptions,
40 in other words, those plans that can go forward without being subject to any later
41 Growth Policy amendments, are developments located entirely either in the Metro
42 Station policy area or in enterprise zone developments that would add five or fewer
43 peak hour trips which is the historic, the minimus standard under the Growth Policy and
44 are not located in the -- policy area, the area popularly known as the Agricultural



January 30, 2007

1 Reserve and if the development is necessary to facilitate timely construction in a
2 significant state or County public facility, there are also some exceptions for
3 amendments to previously approved plans. Previously -- approved amendments to
4 previously approved plans will generally fall under this. As a new approval, the
5 exceptions, which would not be subject to later reopening, are again the deminimus
6 standard, also an amendment to facilitate the Clarksburg Town Center Settlement
7 Agreement which the Board previously approved and finally an amendment that's
8 necessary to complete a development in the Life Sciences Center Zone which is
9 required by a previously approved site plan for that development. That completes our
10 description.

11
12 Council President Praisner,
13 Okay. Thank you. Ms. Ervin.

14
15 Councilmember Ervin,
16 Madame President, I would like to read a statement for the record if I may.

17
18 Council President Praisner,
19 Sure.

20
21 Councilmember Ervin,
22 I am not serving on the Council to advance a particular ideology. My job is to represent
23 all people living and working in District Five. I represent a very racially, ethnically, and
24 economically diverse district and I have grappled with how placing a moratorium on
25 development in the County would impact average working families, those who work
26 more than one job, non-profit providers who serve County residents, the faith
27 community and members of labor unions. We cannot have a substantive conversation
28 about development in the County without discussing housing affordability and the
29 poverty that exists in our County. In mid 2006, Park and Planning reported that a
30 household earning \$90,300 annually cannot afford a median-priced single-family home
31 which is currently valued at \$460,900. HOC Housing Opportunities Commission reports
32 that 3,164 individuals live in subsidized housing units and there are currently 15,000
33 people on waiting lists for housing vouchers. The school systems -- the school system
34 produces reports that show the County's red zone which is the area of the County with
35 the highest concentrations of poverty reside in District Five and these demographics
36 mirror DC and Prince George's County. In my opinion, growth in itself is not the
37 problem. It is determining how the County grows in the future. Choking off all
38 development isn't the solution to traffic or our runaway housing prices. In fact, Park and
39 Planning reports that nearly 62% of our traffic is made up of individuals who commute
40 into the County and 50% of our residents commute out of the County everyday to get to
41 work. It's development that provides the County with a solid tax base and creates jobs
42 for our residents. Development projects also help to spur the economic engine for small
43 businesses that spring up around new development. I am voting today with my
44 colleagues for SRA 06-03 because the PHED Committee addressed many of the



January 30, 2007

1 concerns I raised about not punishing individual projects that have played by the rules
2 and were already in the pipeline for development. These projects will continue to help
3 drive the County's economic engine, serve our elderly residents and provide services in
4 the non-profit and faith communities. I believe that it is imperative for the County to
5 evaluate its growth policies and procedures and I look forward to a top to bottom review
6 of the Annual Growth Policy completed by Park and Planning staff. I hope they will look
7 at some innovative ways to manage the County's growth, to attract the types of projects
8 we need to continue to move forward as a County, while balancing our ability to
9 maintain high quality schools and to alleviate traffic congestion. Thank you.

10
11 Council President Praisner,
12 Thank you. Mr. Berliner.

13
14 Councilmember Berliner,
15 Madame President, I do have a statement that I'd like to read with your indulgence.

16
17 Council President Praisner,
18 Yes.

19
20 Councilmember Berliner,
21 I want to thank you, President Praisner, for applying your leadership to bring to this
22 Council a proposal that has the support of the County Executive, the Director of Park
23 and Planning and perhaps a unanimous Council. As my colleagues know, I was among
24 those that campaigned in favor of reforming our Growth Policy. Our current policy,
25 which was revised by the last Council by a 5 to 4 vote, fails to take into account the
26 impact of growth on our overcrowded streets and schools. That is why I was pleased to
27 co-sponsor and support President Praisner's resolution to expedite Park and Planning's
28 review and recommendations regarding our Growth Policy. The measure before us
29 today will determine the effective date of the new rules, rules that have yet to be
30 determined. Normally the Council decides this issue at the same time as we decide the
31 rules themselves. However, given that we have announced our intention to proceed with
32 new rules, under these circumstances it is proper to decide the effective date now, so
33 that we do not repeat the mistakes of the past and create a rush to file syndrome. This
34 proposal is both aggressive and fair. It is aggressive because the new rules will apply to
35 any project filed after January 1st, a full seven months before we expect to adopt them.
36 This is the most aggressive grandfather clause the Council has ever adopted. Compare
37 this to what the Council did in 2003 when it permitted all rules to stay in effect for eight
38 months after the new rules were adopted. In effect, this proposal is 15 months tighter
39 than the 2003 action. Yet, the proposal is also fair because it applies only to projects
40 that have been put on notice that the rules are about to change. This has been the
41 Council's policy for as long as our staff can remember and for good reason. We have
42 scores of projects that were filed years ago by non-profits, churches, minority
43 landowners, some of whom I see here today, and hospitals. As we heard in public
44 testimony, these organizations and individuals spent time, energy and money, in some



January 30, 2007

1 instances millions of dollars, to support their applications. The staff memorandum before
2 us points out that these individuals and organizations are not entitled as a matter of law
3 to have their applications considered under the existing rules. This is true. However, just
4 because the law doesn't require it doesn't mean it isn't right to treat them fairly when we
5 propose to change the rules. That is what every other Council has done, and that is
6 what this proposal does. The alternative was for this Council to pick and choose among
7 72 projects currently pending before the Board to decide which would be exempted. All
8 of us have had worthy applicants knocking on our door. We even heard from one of our
9 most progressive communities, Takoma Park, seeking an exemption. By the time we
10 exempted all of the worthy projects including the major projects at Clarksburg that are
11 now finally in a form that the community really wants, there would have been so few
12 projects left that to proceed with what was mischaracterized as a moratorium simply
13 was not, in the words of our County's top planner, Dr. Hanson, quote, worth the candle.
14 However, I think it is also important to note now that we are in effect putting the
15 development community on notice, that Park and Planning may recommend an
16 increase in the financial contribution that developers pay for infrastructure we so
17 desperately need. If we do this, which I think is highly likely, it will effect virtually every
18 project currently before Park and Planning. So, while we are not changing the rules
19 governing pending projects, we are likely to insist on a greater financial contribution to
20 mitigate the impact of these projects on our communities. This is fair too. By being both
21 aggressive and fair, this resolution has allowed us to find common ground and that is a
22 good thing. Decisions like this are too important to pass on contentious 5 to 4 votes.
23 They do not endure, as we have seen. Again, I commend you, President Praisner, for
24 your willingness to work with all of us to achieve this responsible, reasonable, and fair
25 result. Thank you.

26
27 Councilmember Knapp,

28 Thank you Madame President. Just a few comments and I appreciate the remarks of
29 my colleagues that have been made so far. I think this is a good step forward for this
30 Council. Growth development, infrastructure investment, are difficult issues for any
31 community to wrestle with, ours included. The flip side of the conversation of the article
32 in the Washington Post today was I don't think any of us would look at Fairfax County
33 and say gee we would really like to grow like that from a physical perspective. We may
34 like to see those types of jobs and so, there is a balanced conversation that we need to
35 have and I think that what today's action will allow us to do is to move past the
36 potentially inflammatory discussion to move into a more substantive, factually based
37 discussion which is going to be important. The next six months we need to spend a lot
38 of time getting a lot of background. I was struck by the fact that as I looked through the
39 economic outlook, the briefing on economic indicators that our staff director put forward
40 yesterday for the MFP Committee, that if you look at a graph showing essential
41 development in Montgomery County, from the year 2002 to 2003 we saw a significant
42 drop from over 4,000 units in 2002 to just a little over 2,000 units in 2003 to fewer than
43 1,000 new residential units in 2006. That doesn't necessarily jive with conversations the
44 people have been having. While at the same time, the previous Council made a



January 30, 2007

1 significant investment in transportation infrastructure. And yet, I don't think anyone
2 would say we have seen dramatic increase -- improvement out there in the world. And
3 so the challenge I think we're going to continue to be confronted with is how do we
4 begin to tie these pieces together in an effective way. And I think that is the discussion
5 that we need to have and so I think that the Council, hopefully with the action today, if
6 not unanimous, I think with broad support will put people on notice that we're going to
7 have that conversation and now that the challenge is to us to really begin to have it. I
8 think there were some very interesting pieces that were brought forward after the
9 hearing that Carl and Park and Planning staff provided to us. I mean one of those being
10 that if you pull out the rate of growth in Gaithersburg and Rockville, the rate of growth
11 for the County, both for population or households or jobs, is fairly low at 0.7, 0.8%
12 population growth, 0.94% for households, and 1.12% for jobs. Now, we've had debates
13 and I'm not saying it is about the rate of growth, but that is a fairly low rate of growth for
14 any community. And so if you'll then go scan down that next -- that same page, it
15 recognizes that at least \$6 billion will be required to pay for transportation infrastructure.
16 And that's going to be something we're going to have to look throughout the community
17 as we -- as we move forward to figure out how we make that investment in
18 infrastructure. That is not going to -- there's not going to be a single pot of money that
19 we haven't already looked for that is going to be able to be tapped into to make that type
20 of an investment. And that is just the stuff that I think that we are responsible for. I am
21 assuming that doesn't include like the widening of 270 -- Transitway, Purple Line. Those
22 are County investments, I'm assuming from the way this is laid out. Which would then
23 probably take that number go up closer to the \$15 or \$16 billion. (laughter) pretty soon it
24 starts to add up to somebody's real money, but anyway, I think that what you will see
25 today is a -- successful and healthy discussion that the Council had. I appreciate the
26 Council president's movement in taking from where she was in the SRA that had been
27 introduced, to where we are. I think it is healthy for the legislative process to have a
28 dialogue and open. I think oftentimes people get frustrated because things that are
29 introduced have already been so completely vetted that it seems as though there wasn't
30 a real debate on it and I think that there was a good discussion, a good debate and I
31 think there will continue to be through the next six to seven months of this year on these
32 important issues. And so, I look forward to that and I thank my colleagues for getting to
33 where I believe the Council is today.

34
35 Councilmember Leventhal,

36 I want to congratulate the Council President. I believe Ms. Praisner has a vision of
37 Montgomery County that is a County I would like to live in. And I want to congratulate
38 her for listening carefully to the constituents who we heard from. And I also very much
39 want to congratulate Mr. Elrich. Ms. Praisner and Mr. Elrich in the PHED Committee
40 substantially modified their original proposal and I believe they did it in response to the
41 very sympathetic stories that we heard from the people who we represent. Development
42 has taken on overtones for a variety of reasons, that when any of us hear it, our noses
43 wrinkle, our brows furrow. But, what is development? Well, none of us like to see trees
44 cut down. I do not. But my constituents like to go shopping. My wife certainly does.



January 30, 2007

1
2 Council President Praisner,
3 You need a purple suit. (laughter)
4

5 Councilmember Leventhal,
6 So what is development? Is development something that we abhor, that we want to
7 prevent, that we believe is connected to unseemly activity, dirty campaign contributions,
8 all of the things that cause people concern? Or is development Fenton and Ellsworth in
9 downtown Silver Spring, the Majestic Theater, AFI Silver, Bethesda Row, all those great
10 restaurants, the Parker memorial Baptist Church whose congregants have put \$5 and
11 \$10 in collection plates week after week, Sunday after Sunday, year after year, just
12 waiting and hoping for an opportunity to build a bigger and better sanctuary? That is
13 development too. We know that nobody likes to sit in traffic. And every single one of us
14 here, myself included, is guilty of over promising the effect that our decisions can have
15 on traffic. The traffic that we face today was not caused by the 2003 Annual Growth
16 Policy. Most development that was approved post approval of the 2003 Growth Policy
17 isn't built yet. And the growth rate in Montgomery County prior to elimination of policy
18 area review, when policy area review was in place was substantially greater than growth
19 has been since policy area review was taken away. Now I understand, I have been in a
20 lot of elections and I understand that each group of new candidates runs against the
21 previous group of officeholders but we are all officeholders now. I think it is very risky to
22 presume that we know precisely what message the public sent in the 2006 election
23 because the public doesn't speak with one voice. And regardless of what we believe the
24 campaign is about it isn't our job now to engage in what the County Executive calls the
25 permanent political campaign. It is our job now to govern. We don't only represent the
26 people who voted for us, we represent all the people of this County. And I think Ms.
27 Praisner and Mr. Elrich have done an outstanding job of listening to the people that we
28 all represent, understanding and taking to heart some of the very sympathetic stories
29 that we heard. I am going to watch with great interest over the next few months the
30 effect of our vote today on some development that that I find highly desirable that will
31 meet real needs. There is a foster care home, a group home for young men without
32 families that we heard testimony about. I am very interested in trying to bring about a
33 good outcome there and it isn't for me to bring it about but I will be watching it with great
34 interest. I believe we all want high-quality, high-wage jobs in this County. And so as we
35 engage in a discussion of the Growth Policy over the next few months I am very
36 encouraged to find that my colleagues and I seem to be moving in the direction of a
37 vision of Montgomery County that I would want to live in. As I say, I believe the Council
38 President has that vision and I'm looking forward to our discussion of the Growth Policy
39 over the next few months.
40

41 Council President Praisner,
42 Okay. There are no further lights. This is a roll call vote. Oops, lights went on. Okay.
43

44 Unidentified



January 30, 2007

1 Got to be quicker.

2
3 Council President Praisner,
4 (multiple speakers) Okay, we have three lights on. Three lights before we vote.
5 Councilmembers Andrews, Trachtenberg and Elrich, in that order.
6

7 Councilmember Andrews,
8 Thank you. In the fall of 2003, the Council eliminated a major transportation test which
9 was referred to earlier, the Transportation Policy Review Test. All change in the County
10 is incremental. What we need to do now, and what this measure does is to give us the
11 opportunity to restore that or something equivalent to that traffic mitigation test before
12 more projects go through the process. If we don't restore some kind of protective traffic
13 mitigation test for traffic that is generated by development that's outside the immediate
14 intersection development that affects other communities, then traffic gets worse or
15 taxpayers pick up the difference. That is why it was important for the Council to address
16 this issue at the earliest opportunity. Because as those projects go forward under the
17 old rules, we lose those dollars or that traffic relief from the applicants and either
18 taxpayers have to make up the difference or the traffic gets worse. That is why this was
19 important to do. Now, grandfathering is always an issue. I would just note that when the
20 Council eliminated the policy area transportation review, it didn't grandfather it
21 significantly forward. We lose that money permanently because once the project is
22 approved, we don't get that traffic mitigation back. And so, that is why change now, is
23 important. That is why putting the development community on notice that the new rules
24 that the Council will development in consultation with the Planning Board after receiving
25 the recommendations will apply to projects that have started to apply this year. That I
26 think is the significance of the vote today. The previous Council went the other way.
27 This Council is moving to restore effective growth management to this County. That is
28 fiscally sound, that doesn't ask more of our taxpayers or in my view of the development
29 community than is reasonable. And I think that this is a clear improvement on where we
30 are now, and I look forward to the discussion with my other colleagues about how we
31 implement this and exactly what the policy will be. I would note that in terms of rate of
32 growth you have to look at the base. And you also have to distinguish between
33 economic growth and actual increase in population which are not one and the same
34 thing. Sometimes they are talked about as if they are but there is no correlation between
35 population increase and rate of economic growth. And I think we need to be clear when
36 we do talk about those things. So, thank you for your leadership. I look forward to
37 continuing this process.
38

39 Council President Praisner,
40 Councilmember Trachtenberg.
41

42 Councilmember Trachtenberg,
43 I am going to keep my comments on the short side. I told people when we started this
44 process back in December that I was quite confident what we were going to be looking



January 30, 2007

1 at on a vote at the end of January, was going to perhaps be a little different than what
2 we started with in conversation on December 5th. And I didn't make that comment to be
3 flip. I really made it because I had great confidence in our president but also in my
4 colleagues. And I certainly understand the value of inclusive conversation, not only
5 conversation that includes the development industry and certainly the civic community,
6 but really hard, open conversation about some of the hard challenges that we do face,
7 specifically here on the Council in terms of how we do address our Growth Policy. You
8 have heard the words balanced and pragmatic. Those do, I think, define both the
9 process and also what is before us today for a vote. And I just want to put out there that
10 I believe we are going to have to continue to have those hard conversations, sobering
11 conversations because really the billion dollar question that is before this body is how
12 do we pay for the infrastructure that our community needs. I would just encourage my
13 colleagues that we continue this collegial and inclusive discourse about that very
14 question because that defines truly where we go as a community and really what we do
15 in terms of responsibility for those that we are sitting here representing. So I thank my
16 colleagues, in particular Council President Praisner for her wisdom in this matter.

17
18 Council President Praisner,
19 Councilmember Floreen has put her light on. I am going to waive what I said about only
20 Councilmember Elrich being left but remind both of my colleagues that we have the task
21 force waiting for us on agricultural policy and we will have significant opportunity to
22 discuss the growth issue in the future. Nancy?

23
24 Councilmember Floreen,
25 Thank you Ms. Praisner. And I think that is the most important point. We will really be
26 getting into this after the Planning Board does its work. I just want to make two points,
27 one is that I think George alluded to this, actually after asking questions of staff with
28 respect to the rate of growth at least that has been an issue for some elements of our
29 community. Since 2000, the rate of growth in parts of the County that the County
30 actually controls which does not include Gaithersburg and Rockville, has been less than
31 1% and it is projected to stay that way for a number of years. So, I don't – I hope that as
32 this Council proceeds on this issue, we will not get hung up on the numbers but will be
33 able to focus on the things that make our communities strong. In particular, focusing on
34 roads that work for people, not focusing on transportation capacity, but focusing on the
35 environment that our communities are developing into. And I do hope that as the
36 Planning Board works on the Growth Policy, that is a priority for them, it will mesh nicely
37 with the revisions to the road code that we were in the process of addressing because I
38 have long felt that we have prioritized vehicles over people. So, I hope that that will be
39 part of the Planning Board's work program and we will stop worrying about how we
40 count traffic that we cannot control from places over which we have no jurisdiction which
41 would also include Howard, Frederick, Prince George's, the District and the winner of
42 the day, Fairfax County. The other thing is that I am heartened by my colleagues'
43 comments on all this because the real issue for us continues to be funding. And it is
44 funding for the people who are here already. I'll comment that whatever messages we



January 30, 2007

1 say with respect to growth and development, if we are expecting new developments to
2 foot the bill for current communities I think we are sending the wrong message at the
3 moment. The fact of the matter is we have large capital obligations and hopes for what
4 we can fund both on the transportation side and on the school side and I hope that my
5 colleagues will remember that as we look at spending affordability and at the overall
6 budget opportunities and obligations and constraints because the fact of the matter is
7 our real job is to serve the people who are here today. And so, I look forward to working
8 with everyone on this always challenging subject.

9
10 Council President Praisner,
11 Mr. Elrich, the last word.

12
13 Councilmember Elrich,

14 First of all, I want to thank you for getting this to this point and for facilitating the
15 discussion. Somebody asked me the other day whether I was unhappy with having
16 gotten to this point from where we started out in December and I didn't view the position
17 that was put on the table in December as the end of the process. My understanding of
18 the legislative process is that you put proposals on the table and then you listen input
19 and then you are supposed to revise your proposals. It would sort of be pointless to put
20 something on the table, have a series of public hearings, talk in endless people in half
21 hour increments as they come in and out of your door and then a month and a half later
22 do exactly and only what you intended to do on the first day of December, that is not a
23 good way to make public policy. I would – I think that it is important to be flexible and be
24 able to listen to people. I think we do face serious issues and I will take this moment to
25 say something about the press. I have been, you know, most discouraged by the
26 editorials boards, the newspapers that don't seem able to get the point of what we are
27 doing right even when the reporters manage to get the story right. Which means, they're
28 not listening to us and they're not even listening to what their own reporters are writing.
29 This was never about a building moratorium. I don't recall anybody talking about a
30 building moratorium. Headline writers still talk about a building moratorium. And it's just,
31 you know, somebody at the other end needs to facilitate the public debate, not direct the
32 public debate using misinformation. And I was very disheartened to see some of the
33 both headlines and editorial comments that didn't reflect any of the discussions that
34 were going on either with the community or among the Councilmembers. The truth is
35 what we originally proposed would not have shut off development to Montgomery
36 County, it wouldn't have stopped any houses from being built. We've all heard there is a
37 29,000 house pipeline out there and something like 10 million square feet of office
38 development. It's the market that's slowed down and it's the market that's going to
39 determine the rate that those things get built at – get built out at. They all were approved
40 under a, what I would consider a less satisfactory growth process and despite the fact
41 they are approved, it didn't get them built. And so, I don't think that any growth process
42 can dictate the pace at which the market absorbs demand for housing or for office
43 space. I think that we do have to deal with fairness issues and I was persuaded
44 certainly by a number of the people who came forward that there were legitimate



January 30, 2007

1 fairness issues to consider but I think that the other side is fairness to the development
2 communities, fairness to the residents of Montgomery County and my focus is certainly
3 on not wanting to approve projects that would have contributed to more failing
4 intersections or to more overcrowded schools. And -- some of the projects might have
5 done that, some of the older projects might have done that I also think in fairness to the
6 community, it was not an illegitimate thing for members of this Council to want to do and
7 that is why I did propose to amend the original process to only apply the moratorium to
8 projects that would have failed the school test or failed the road test. I do think that
9 those things are the faults or the flaws of the old Growth Policy and I think those are
10 things that it was legitimate for us to try to correct. And I didn't care how few that
11 number was or how many that number was. The issue wasn't the rate or the quantity, it
12 was whether or not these projects would have overburdened the schools and roads, not
13 whether I was stopping 20 projects, 72 projects or one project. It is sort of the principal
14 that was involved here. I also hope that we don't get caught up in this rate of growth
15 discussion because I really think the rate of growth is irrelevant. I have absolutely no
16 belief in any correct growth rate. I think it is really tied to the infrastructure and I think
17 one of the advantages of policy review in effect is being able to look at what -- what a
18 growth rate in one part of the County might be a different growth rate than in another
19 part of the County, a part of the County that has infrastructure, can certainly absorb
20 more houses and more square feet of commercial space than a part of the County that
21 doesn't have infrastructure. I think it would be a shame to simply think we have done our
22 job -- we've done our job by assigning a growth rate to Montgomery County. I think we
23 need to look at where we want things to happen, look at the ability of the infrastructure
24 of those areas to handle what we want to see happen. Lastly, I will say that I don't want
25 existing communities to expect impact fees to pay for existing problems, but I don't want
26 new development to assume that the existing community is going to foot the bill for the
27 infrastructure that it takes to support new development. Again, this cuts two ways. I
28 think we need to be realistic and I think the numbers are really sobering. In one of the
29 discussions, we do not have enough, we talk about schools and we talk about roads.
30 We don't talk about six or seven fire stations that need to be built, that aren't even --
31 aren't even in the master plan, we don't even have the land for it. We don't talk about
32 the fact we are 200, 250 police officers shy of where we want to be. We don't talk about
33 a lot of other things that are -- should be part of the infrastructure discussion, we talk
34 about roads and schools. And I hope that as we go forward that we include the full
35 range of infrastructure, that we talk about everything it takes to make a community and
36 not just is the intersection fixed and does that school have room. Thank you for getting
37 us this far and I think it's a good process.

38
39 Council President Praisner,
40 Thank you. Okay. This is a roll call vote, since it's a subdivision regulation. Madame
41 Clerk, call the roll.

42
43 Council Clerk,
44 Ms. Ervin.



January 30, 2007

1
2 Councilmember Ervin,
3 Yes.
4
5 Council Clerk,
6 Mr. Elrich.
7
8 Councilmember Elrich,
9 Yes.
10
11 Council Clerk,
12 Ms. Floreen.
13
14 Councilmember Floreen,
15 Yes.
16
17 Council Clerk,
18 Ms. Trachtenberg.
19
20 Councilmember Trachtenberg,
21 Yes.
22
23 Council Clerk,
24 Mr. Leventhal.
25
26 Councilmember Leventhal,
27 Yes.
28
29 Council Clerk,
30 Mr. Andrews.
31
32 Councilmember Andrews,
33 Yes.
34
35 Council Clerk,
36 Mr. Berliner.
37
38 Councilmember Berliner,
39 Yes.
40
41 Council Clerk,
42 Mr. Knapp.
43
44 Councilmember Knapp,



January 30, 2007

1 Yes.

2
3 Council Clerk,

4
5 Ms. Praisner.

6
7 Council President Praisner,

8 Yes. The vote is 9-0 on the Subdivision Regulations. Thank you all very much. We will
9 move to a report and recommendations from the Ad Hoc Agricultural Policy Working
10 Group and we have members of the Working Group here if they would join us. (multiple
11 voices). Members of the Working Group are here and our Chair and Vice Chair, take the
12 table, I know we don't have enough seats at the table for everyone but if members of
13 the Working Group who are here can join us at least in the front row. Then, if you would
14 like to comment, you can do so and we'll let the room clear a little bit so, why don't we
15 take a five minute break so folks can clear the room? (multiple voices) Ladies and
16 gentlemen, if we could come back together please, I think we have cleared the room
17 from the previous item and now we can turn all of our attention to our wonderful
18 Agricultural Reserve and the fantastic Working Group who have presented us with an
19 excellent document for our consideration. The way I had planned to proceed is to turn it
20 over to the leadership of the Working Group and Marlene to see whatever comments
21 first of all the official report presentation, any comments the Chair and Vice-Chair would
22 like to make, any comments Marlene would like to make and then see if there are any
23 comments other members of the Working Group who are in that front row, would like to
24 make as well. They can come up to the vacant chair so, because we are televised and if
25 you wouldn't mind identifying yourself so that our pictron system will, telephone--
26 televising system, will get the correct name, it would help as well. And then before we
27 break, I do have some appreciation that we would like to offer to all of you. Pam, you
28 are helping Lib I understand, so you want to introduce yourself too because the
29 cameras need to be --- have identification. You need to push the button please.

30
31 Pam Saul,

32 My name is Pam Saul and I am a farmer in Montgomery County.

33
34 Council President Praisner,

35 And a member of the Working Group.

36
37 Pam Saul,

38 And a member, yes.

39
40 Council President Praisner,

41 Lib. Want to push the button please. Good morning.

42
43 Elizabeth Tolbert,

44 I have written good afternoon because I thought we were going to be (multiple voices).



January 30, 2007

1
2 Council President Praisner,
3 Well, we're pretty close but we kept to the schedule.

4
5 Elizabeth Tolbert,
6 Thank you. I am Lib Tolbert. I am appointed Chair of the Agricultural Policy Working
7 Group, I'm a former Mayor of Barnesville, a proud democrat and I reside in the
8 Agricultural Reserve. I want to thank the County Council for the opportunity for the
9 Working Group to address the issues facing agriculture in Montgomery County. The
10 Agricultural Reserve is an important -- is important to both the farming community and
11 the residents of Montgomery County. I would like to recognize that the tremendous
12 efforts of the -- excuse me -- the entire Working Group, particularly Scott Fosler, thank
13 you, for assuming the role of the entire Working Group particularly when I couldn't be
14 there because of medical reasons and he did a terrific job. He is a terrific guy. The
15 entire staff needs to be commended for the enormous task of keeping the ground
16 focused throughout the entire process and they do deserve it. I am proud to say we
17 have completed our assignment. It is now time for the Council to do your part and
18 review our recommendations and begin steps toward implementation. You will see
19 some areas where the group had difficulty reaching consensus. Everyone's opinion is
20 important. This represents the basis of our democratic process. Please do not view
21 them as a major distraction from the important and well thought out recommendations
22 we have put forth. All members were instructed, that all comments, whether positive or
23 negative, would be accepted and to the best of my knowledge, everyone has
24 participated in that area. If the Council asks for perspectives especially from a diverse
25 group, they must be prepared to listen to all points of view that are expressed, I
26 encourage the County Council to embrace the report and findings of the Agricultural --
27 Working Group. The report may not address every issue that will face the Agricultural
28 Reserve, but it does provide a solid beginning. At this time, I would like to introduce the
29 Working Group members. Please stand as I call your name. Is that permissible?

30
31 Council President Praisner,
32 That is fine. Of course.

33
34 Elizabeth Tolbert,
35 My Vice Chair, Scott Fosler. Do you want to talk now, or later?

36
37 Scott Fosler,
38 I will wait.

39
40 Elizabeth Tolbert,
41 Wade butler. You have something you would like to say, Wade?

42
43 Wade Butler,
44 I'll -- I will wait, I'll let you.



January 30, 2007

Unidentified

Why don't you introduce everybody and we will

Council President Praisner,

Just int – if you wouldn't mind and then we'll turn to Scott and then everybody else can have a shot at it later.

Elizabeth Tolbert,

Beau Carlisle, Margaret Chasson. Jim Clifford. Nancy Dacek. Jane Evans. Robert Goldberg. Thomas Hoffmann. Jim O'Connell, Wendy Purdue was a member but as of August she had to step back because it was a conflict with teaching the college. Jim O'Connell. Wendy Purdue of course she's not here today. Michael Reuben. Pam Saul, who you have already heard from. Drew Stabler and William Millard, I call him Billy. It's my hope, you will allow each one to make a brief statement after Scott finishes his report. Again, I want to thank the staff and all the members of the Working Group for your hard work and dedication. Thank you and good afternoon.

Council President Praisner,

Thank you. Former Councilmember Fosler.

Scott Fosler,

Thank you Madame President.

Council President Praisner,

Oh, Scott.

Scott Fosler,

Let me say first, thanks to the County Council for taking the initiative to establish the Working Group. It's been a privilege for me to serve on it both as a member of the Council that adopted the Agricultural Reserve and a citizen that continues to have a very deep interest in it. And an added thanks to Councilmembers Leventhal, Floreen and Knapp for attending our meetings and their advice and support along the way. I'd like to thank our Chair Lib Tolbert. Lib and I have known each other for a long time beginning with the Maryland Municipal League some years ago. Lib was one of the original supporters of the Agricultural Reserve and if I could, I would like to ask you to join me in thanking Lib Tolbert, not only for Chairing the Working Group but also for her lifelong dedication to sustaining agriculture and the values of family farming community in the life of Montgomery County. (applause) And I would like to thank all of the Working Group members as well. This has been an absolutely terrific group, very different perspectives and interests as befits a committee of this kind and every single member has demonstrated a deep commitment to the Agricultural Reserve and has been willing to stretch their own thinking and reassess their own personal and organizational positions in the interests of the reserve as a whole for future generations of the – of the



January 30, 2007

1 County. I want to thank the staff from the County Council, the executive branch and the
2 Planning Board which provided us with professional and high-quality material and
3 advice without which we couldn't possibly have done our jobs. Marlene Michaelson did
4 a superb job in leading the staff and a tip of the hat to Council staff director Steve
5 Farber and the Council for maintaining a longstanding tradition of first rate staff work on
6 the County Council. And then, finally, thanks to the many citizens who attended our
7 meetings and shared their expertise and assistance with us. The Council asked our
8 Working Group to take a comprehensive approach and to look at a cluster of
9 interrelated issues. You asked us to listen to each other to see if we could come up with
10 a consensus. We worked hard to do that and as it turns out, we came up with a
11 consensus on almost every single major issue except one and I will talk about that in
12 just a minute. Our recommendations don't always reflect an ideal solution from any one
13 member's perspective, but in nearly all of these cases, they offer proposals that are
14 generally acceptable to the entire group. What I would like to do in fact, is to focus on
15 three key points which all of the group members agreed to. First, the Agricultural
16 Reserve is worth preserving, it should be preserved and it can be and only will be
17 preserved by the timely and effective action of the County government with the support
18 of County citizens. The County Council created the Agricultural Reserve in 1981 and
19 over time it's become an unparalleled resource that benefits all of our County's
20 residents and in fact the entire Washington region. The reserve is regularly cited
21 throughout the United States as the County's leading model for agriculture, open space
22 and environmental preservation which is really quite remarkable. Unfortunately, not all
23 of the jurisdictions of the Washington Metropolitan Region have followed the old wedges
24 and corridors plan that saw green wedges and - and high density corridors. Montgomery
25 County essentially is the only one that has, but I think we can be proud about that fact
26 and I can give you the judgment of our Working Group, that our Agricultural Reserve
27 has been a success and that there aren't any factors presently beyond our control here
28 in the County that would prevent us from passing this treasured resource on to our
29 children and our grandchildren. One of the pleasant surprises that we discovered was
30 the incredible diversity in the dynamism of the Agricultural Reserve. People think of it in
31 a kind of a - of a static way, but the fact of the matter is there is a lot of dynamism and
32 diversity in it. Dairy farming has - has essentially disappeared but traditional farming in
33 crops such as corn and soy beans continue. Specialty farming has - has been booming.
34 Equestrian facilities are strong. Do you know we have 12,000 horses in Montgomery
35 County? Don't get too excited they don't vote, and if they did vote they would probably
36 vote republican. (laughter).

37
38 Unidentified

39 I'd want to clarify what party affiliation they had first.

40
41 Scott Fosler,

42 And it also provides an opportunity for - for people who want to live in a rural setting
43 and possibly engage in agriculture themselves but at the same time pursue their own
44 careers, possibly in nearby urban office places. With that said there isn't any question



January 30, 2007

1 that unsurprisingly the Agricultural Reserve is under stress. For a variety of reasons, but
2 all of which we fully understand. There is constant pressure for development in ways
3 that are not compatible with agriculture. And the reason I say unsurprising is that we're
4 a dynamic County, we're a growing County in a great metropolitan area. We knew when
5 the Agricultural Reserve was created that these stresses were going to be there. And
6 we know that they continue today and that they're going to continue in the future. The
7 critical thing is to withstand these stresses and not let them reach a tipping point where
8 agriculture is no longer viable in the County. Second major point, to sustain a healthy
9 Agricultural Reserve the County will need a comprehensive framework of clear,
10 appropriate and fair principles and rules and effective programs and implementation to
11 put them into practice. Most of the elements of such a framework are already in place.
12 The functional master plan for preservation of agriculture and rural open space, the
13 TDR Program, the functional County plans and policies and so on and so forth. But,
14 some of these have gotten a little loose and ragged over the years. And so if the
15 Agricultural Reserve is to be protected, there needs to be a comprehensive and
16 disciplined approach to preserving it and solving its problems in a way that does not
17 slowly and incrementally distort its basic integrity and cohesion. And to try to focus our
18 efforts our Working Group came up with a set of principals, kind of core values to help
19 provide that -- that integrity and cohesion. Let me note what they are. The economic
20 viability of the agricultural industry is critical to the preservation of the Agricultural
21 Reserve. The open space and environmental protection goals of the master plan are
22 unlikely to be achieved unless we can sustain the health of agriculture. Agriculture in the
23 County has and will continue to evolve and requires an environment that recognizes
24 that fact. The equity farmers hold in their property is not only important to them
25 personally, but an important asset for their businesses and consequently an important
26 factor in the success of the agricultural industry in the County. Fragmentation of farm
27 land should be avoided and contiguous areas of farm land are desirable for traditional
28 agriculture and if the Agricultural Reserve is to survive permanently, policies must
29 protect both farming and farmland while fostering a deep commitment to stewardship
30 that looks beyond current generations and current landowners. Now, we took these
31 principles and we applied them to the cluster of policy issues that you all asked us to
32 address. With regard to child lots, the threshold problem is that the language in the
33 zoning ordinance is ambiguous and subject to multiple interpretations. I've got to take
34 some responsibility for that because I was involved in writing it. Ah hah. My
35 recommendation is to clarify that language to do two things. First, continue the 25 year
36 practice of allowing child lots as density in addition to the base density allowed in the
37 RTD Zone. And second, strictly limit the establishment of child lots to the purpose for
38 which they were originally intended, which is to permit the children of property owners to
39 be able to continue living on the property after they have become adults and we
40 recommend a number of specific actions to try to tighten that restriction. Now, we come
41 to the one principle issue on -- on which we did not achieve a consensus and that is
42 sand mounds. The reason that sand mounds might be perceived as a potential threat to
43 the Agricultural Reserve is that they could permit a greater density of development than
44 was originally anticipated when the Agricultural Reserve was established. When the



January 30, 2007

1 County Council adopted the zoning density of one dwelling per 25 acres, it really didn't
2 expect that all of that property so zoned was going to be fully developed. And as a
3 consequence we in essence have a property which is legally zoned at a certain density
4 that was not fully taken into account as the desired density or appropriate density if it
5 should all be built out and the reason for that was there was an assumption that under
6 traditional septic systems a lot of those properties would not be able to perc, sustain a
7 percolation test and be able to develop. As sand mounds gained increasing recognition
8 as a possible viable rural septic system, that began to change because then it turned
9 out that a lot of those properties that might not have been developed under traditional
10 septic systems might not be able to develop under regular septic systems. From the
11 property owner's point of view that seemed to be perfectly all right that they're entitled to
12 develop one dwelling unit for 25 acres and it shouldn't matter whether the septic system
13 is a traditional system or a sand mound system. Now, the general answer to this
14 dilemma is to arrive at a compromise in which sand mounds are permitted in a limited
15 manner that protects the equity of land owners but only to the extent that it would allow
16 density of development that might not threaten the viability of the Agricultural Reserve.
17 And we actually did achieve a consensus on two points in this regard. One is that we
18 agree that sand mounds ought to be permitted in specific instances such as permitting
19 an existing house with a failing septic system to use a sand mound or to allow a
20 property owner to better locate a house which would be more compatible with
21 agriculture and some others that we have indicated. And then the second point of
22 consensus is that we believe that property owners ought to be permitted to use sand
23 mounds but at a density more restrictive than a blanket of one dwelling per 25 acres.
24 And here is where we couldn't reach an agreement. The consensus – or, I'm sorry, I
25 should say the recommendation of the Working Group is to allow the use of sand
26 mounds in the following way, the following formula. One mound per 25 acres for the first
27 75 acres and one mound per 50 acres beyond the first 75 acres and then there's the
28 dissenting group of members that recommends allowing one sand mound per 50 acres
29 and I'm glad that you're going to allow the folks from the Working Group to address this
30 in just a few minutes. The Council also asked us to look at pending legislation which we
31 did. We generally recommend not enacting any of the pending legislation as of October
32 31st, 2006 with one exception which is a complicated one and we discussed that in the
33 report. In the course of our work we identified a number of issues that we think need to
34 be taken into account in a – in a more comprehensive, an even more comprehensive
35 review of the policies and laws affecting the Ag Reserve. And we have identified those
36 in – in the report and we hope that you will take those into account. We looked at right
37 to farm legislation. We don't think that that's needed at the moment but it would be
38 useful for the Council to pass legislation requiring that homeowners in the reserve be
39 notified of possible laws that protect farmers from certain nuisance claims so that city
40 folks when they come to the country aren't surprised by the fact that it is the country and
41 there's farming that really does go on there. We believe the key to the preservation not
42 just of the Ag Reserve formally but of agricultural property as a practical matter are
43 appropriate design standards so that we can locate the construction that does take
44 place in a way that is compatible or at least doesn't impede agriculture. And then finally,



January 30, 2007

1 we think it's extremely important to educate the citizens of the County because it – the
2 Ag Reserve benefits all the County and it depends on the support of citizens throughout
3 the entire County and we have some suggestions along those lines as well. And now,
4 the third major point that I would like to make and not only is all the group in agreement
5 on this but we really feel quite strongly about it. The most important action that the
6 County government could take to sustain the Agricultural Reserve is to assure that the
7 transferable development rights or the TDR Program works in conjunction with an
8 effective Building Lot Termination Program or what we call the BLT Program. The core
9 of Montgomery County's Agricultural Reserve is the signature Transferable
10 Development Right or TDR Program which again has gotten national recognition and
11 you all are familiar with the way in which that works. We would only stress the
12 importance of an effectively functioning TDR Program to the preservation of the
13 Agricultural Reserve. The threshold concern involves implementing the TDR Program
14 as it was intended which requires assuring the sufficient capacity of TDR related density
15 in the receiving areas and we have a number of recommendations that we make along
16 those lines. But, there is another problem and that relates to -- I'm embarrassed to say -
17 - a flaw in the original design of the TDR Program for which I again, have to take some
18 responsibility. The original assumption was that all TDRs would be created equal and
19 they're not. It turns out that they are really quite different. When a property owner is
20 granted one TDR for each 5 acres of property in the RTD Zone, one of those TDRs
21 must be retained for every 25 acres in order for the property owner to be allowed to – to
22 build a dwelling on a 25-acre lot. So in essence, what has happened is, without realizing
23 it, we've created two de facto categories of TDRs One is a buildable TDR and another is
24 an excess TDR. The buildable TDR is the one that has to be retained to be able to build
25 on a 25 acre parcel. The excess or excess TDRs are the ones that can be sold for
26 development in a receiving area. We recommend a set of actions to address these
27 issues and these include distinguishing between the buildable and the excess TDRs,
28 requiring the use of TDRs in floating zone applications and designating buildable TDRs
29 for use in floating commercial, industrial CBD and the R&D zones. We also by the way
30 looked at the recommendations of the previous TDR task force and found most of those
31 to be quite appropriate and we address those in more detail in the – in our report. And
32 then in what might be considered the crown jewel of our recommendations we strongly
33 recommend that the Council adopt a Building Lot Termination Program which we
34 believe could be the answer to several of the really knotty problems in the Ag Reserve
35 that -- that I mentioned earlier. The essence of the BLT Program is really very simple. If
36 County Government wants to assure that the Agricultural Reserve will not be burdened
37 by too many building lots, enhanced by too much building that is incompatible with
38 agriculture, it should terminate those building lots by purchasing the right to build on
39 them from the property owner. The BLT Program would directly attack the problem
40 about what to do about buildable TDRs. I won't go into the details of it here, they were
41 very carefully thought out by members of the Working Group and included in the final
42 report. The most critical issue of the BLT Program is how to pay for it.

43
44 Council President Praisner,



January 30, 2007

1 Just a little technicality.

2
3 Scott Fosler,

4 And we recommend is a combination of both public and private funding. Public funding
5 beginning with the agricultural transfer tax and private funding through the creation of a
6 buildable TDR program that would engage private developers in the purchase buildable
7 TDRs just as is the case for the excess TDRs except with application to nonresidential
8 property. So, in conclusion let me say thanks again to the County Council for taking the
9 initiative to establish the Working Group, for the continuing concern that you have
10 demonstrated to protect the Ag Reserve and just ask on behalf of the Working Group
11 that all of us in the County recommit to the Agricultural Reserve and to protecting it and
12 sustaining it for future generations. And now, Madame President if it's okay, could we
13 ask our other members -- .

14
15 Council President Praisner,

16 Yes. I was just going to do that. Please. Any of the members of the Working Group who
17 would like to make comments please join us at the table two at a time since that's all the
18 space we have and I won't forget you Pam. Just make sure that you push the light in
19 front of you and please again for the benefit of those who are taking care of all the
20 technology associated with our presentations and meetings identify yourself again.

21
22 Margaret Chasson,

23 I will be very brief. I think Scott has done --

24
25 Council President Praisner,

26 No, you need to identify yourself first, so you won't be that brief.

27
28 Margaret Chasson,

29 Oh, I am sorry. I am Margaret Chasson. The material that Scott has presented you is
30 quite comprehensive and the point that I would like to make is that it is important that
31 you look at it as a package. We made a lot of trade offs between one recommendation
32 and another in order to come together with something that we felt altogether would
33 work. So as you address the various recommendations I hope that you will recall that
34 we want them to work together. If you do one piece without the other I believe that it will
35 be much less effective, so take it as package. Thank you.

36
37 Council President Praisner,

38 Thank you.

39
40 Drew Stabler,

41 Drew Stabler, a farmer. Laytonsville area, Montgomery County. A lot of what I was
42 going to say has already been covered but would like again to thank the Council in
43 advance for considering the results of our committee deliberations and also to thank Ms.
44 Tolbert and Mr. Fosler for doing a great job of chairing this committee of very strong-



January 30, 2007

1 willed individuals. We had great discussions and everyone got their thoughts out and we
2 tried to accept them as suggestions for what we ended up with and also Marlene and
3 her staff we thank you for keeping us organized. As a group we had a consensus on all
4 but one topic and that one after much long and hard discussion, at least had a
5 suggested solution even though it wasn't agreed upon by everyone, it was a solution
6 that we could live with. We hope you the Council will seriously consider putting into play
7 this group's recommendations and we thank you for giving us the time to present this
8 info but not for the time it took us to get there.

9
10 Council President Praisner,
11 Anyone else from the Working Group would like to come forward. While they are, Pam
12 you have anything you would like to say?

13
14 Pam Saul,
15 My name is Pam Saul and I'm one of three generations currently on my farm and I'm
16 really glad I'm a farmer and I'm not a politician. I'm much more comfortable behind a
17 pitchfork than I am behind a microphone, so.

18
19 Council President Praisner,
20 Oh, would you loan me that pitchfork?

21
22 Councilmember Knapp
23 You can't have a pitch fork and the microphone. One or the other.

24
25 Council President Praisner,
26 That's dangerous.

27
28 Unidentified
29 I'd like t -- . You go right ahead.

30
31 Council President Praisner,
32 The thought of having a pitch fork just appeals to me more and more.

33
34 Pam Saul,
35 I can get you a pitchfork. (multiple voices) I'd like to take this opportunity to thank
36 someone who has supported the agricultural community every step of the way in this
37 process, Jeremy Criss. This work group (applause) this work group was my first ever
38 political affair. I've never done this before and Jeremy was there to answer every
39 question I had on a weekly and sometimes daily basis. He had historical data, he had
40 legal ramifications, information, he had detailed information about what we were
41 discussing, he never once considered my questions stupid or at least didn't tell me out
42 forthright that they were and he helped me to understand a lot of the history with
43 Montgomery County. I just want the Council to understand what a treasure you have in
44 Jeremy Criss. His knowledge, his ability to help me and to help others to comprehend



January 30, 2007

1 very difficult subjects and his intellect are something that should be highly regarded.
2 They are by me and many others in the Ag community. And also, Mr. Fosler, I have 70
3 horses and they don't vote but their owners do vote.

4
5 Council President Praisner,
6 Thank you.

7
8 Pam Saul
9 Thank you.

10
11 Council President Praisner,
12 Thank you very much. Jane? No, push the button, yeah.

13
14 Jane Evans,
15 Hi. I'm Jane Evans. I want to thank you for the opportunity to be part of this Ag Working
16 Group and I second the staff and everybody on it has been wonderful and Jeremy and
17 just the total support has been great. I think it is important to note that we did have 90 to
18 95 % consensus on a lot of the – the discussion and the recommendations to you. I do
19 hope you will look at this as a package. It is important, we were a diverse group and we
20 came to those kind of consensus agreements and I don't think you get any better than
21 that, so I hope that you will look at it, if you develop the legislation and pass the
22 legislation and fund the legislation, for the Building Lot Termination Program, and we
23 find creative ways to expand the TDR receiving areas, we will go a long ways towards
24 continuing the viability of agriculture and the Ag Reserve in Montgomery County and I
25 hope that that will happen and I agree that it has to go as a whole package, but those
26 are key package parts. Thank you.

27
28 Council President Praisner,
29 Thank you. Ms. Dacek.

30
31 Nancy Dacek,
32 My name is Nancy Dacek. I would like to thank you for Mr. Leventhal and the rest of the
33 Councilmembers for appointing me to this committee. I had some interest in the Ag
34 Reserve over the years to say the least and I guess a little bit like Scott, I'm one of the
35 ones that did whatever was done in the sense that I brought the sand mounds to
36 Montgomery County anticipating not what we would have to go through at all now. My
37 purpose was of course for failing septic systems and also to allow children or parents of
38 a farmer to stay on the farm. But it has gone on from there and this group worked very
39 diligently to come up with proposals that we all could agree with and I will say that
40 everybody on there had an opinion and I will say also that people changed their
41 opinions several different times, which is what the group is all about. I always say let's
42 listen to everybody and let's hear what they have to say because it's all right to change
43 your mind if you get further information. So, I want to thank staff and Marlene of course
44 was wonderful and for helping us and I hope you will, as you deal with this legislation



January 30, 2007

1 and the issues before you, I hope you will also pay true attention to our first goal, which
2 is to preserve agriculture as an industry in this County. That's a key and it wasn't our
3 purview to talk about it exactly but I kept saying it. And that's something economic
4 development and everybody else has to work on. And I hope along with the rest of the
5 committee I know and along with you that we will indeed have more generations of
6 farmers to come after this. Thank you.

7
8 Council President Praisner,
9 Thank you. Wade.

10
11 Wade Butler,
12 Thank you, good morning. My name is Wade Butler and I'm Chairman of the
13 Montgomery County Agricultural Advisory Committee and I'm also a member of this
14 Working Group and I farm with my family up in Cedar Grove, North Germantown. I
15 would like to thank the Council for the opportunity to represent the Ag Community in a
16 development of future policies that will protect our Agricultural Reserve. Starting in the
17 fall of 2005, as we celebrated the 25th anniversary of the Ag Reserve, the Ag Advisory
18 Committee began to experience difficulties and attending numerous public hearings and
19 putting out many little fires surrounding numerous legislative issues that were proposed
20 here in Rockville. The piecemeal approach to agricultural policies was replaced with the
21 Working Group and we are thankful for that. We welcome the time out until a
22 comprehensive review of all the issues surrounding agriculture and the Ag Reserve was
23 completed. We hope the report findings and recommendations will lead to a more
24 effective way in addressing the viability of agriculture and needs of farmers. Farmers
25 want to farm, not sit in Rockville or Silver Spring, I'm sorry, that's your job and you have
26 my sympathies, but we spent endless hours away from the farm and it's hard for us as it
27 is for any business owner. We further hope this report will serve as a guide or a
28 blueprint to address the more challenging and contentious issues. As you see in the
29 general principals of the report one of the issues that farmers came back to repeatedly
30 was equity in the land. So, one of our principals states that equity farmers hold on their
31 property is not only important to them personally but an important asset for their
32 business and consequently an important factor in the success of the agriculture industry
33 in the County. I kept that in mind throughout all of our deliberations not only for myself
34 and my farm but for the other farmers and agriculture operations which we don't always
35 speak in one voice so it's a complicated issue but we try to keep those farmers in mind
36 that weren't sitting at the table. As homeowners in the County, I'm sure each of you are
37 carefully monitoring you carefully monitor the equity appreciation in your property and
38 why should farmers look at theirs any differently. We can only support a public policy
39 objectives of protecting the Ag Reserve for the benefit of all citizens as long as it's not at
40 the expense of the farmer. Policies to reduce fragmentation of farmland must carefully
41 consider equity. The preservation of land or equity will be very important issue with the
42 Council as we deliberate on the Building Lot Termination Program. The Council will
43 need to support the BLT Program and ensure that it is adequately funded as a means to
44 preserve the equity that will be reduced from the farm and compensate the farmer.



January 30, 2007

1 Many farmers believe a recommendations report can represent a further erosion of the
2 farm value and property rights. We heard this from many members – many farmers who
3 were not members questioned us about the going-ons and what was the direction we
4 were moving. They know the history of down zones – many of them are longtime
5 farmers. They know the history of zoning in Montgomery County. In 1974 when the 5
6 acre rural zone was adopted and then again in 1981 when the 25 acre RTD Zone was
7 adopted. Only you, the County Council, can decide if the farmers are going to be down
8 zoned once again. We encourage you to act on the report findings and move forward
9 being sensitive to the farmers' land equity and property rights. On behalf of the farmers
10 in the County and the Ag Advisory Committee, we are anxious to work with the Council
11 on these issues impacting agriculture. Thank you very much.

12
13 Council President Praisner,
14 Thank you Wade..

15
16 Tom Hoffmann,
17 My name is Tom Hoffmann. I have lived in the Agricultural Reserve on Peach Tree
18 Road for 15 years and raising a family there and am involved in various activities in the
19 County. I endorse almost all that's been said and I've been gratified to be part of a
20 group that worked as hard as it did. I want to maybe just stress a couple of points
21 quickly. Not to be melodramatic, but I think deferral of these issues would be disastrous
22 for the Agricultural Reserve. I think we've reached a point where we don't have time left
23 but a little bit of time to fix the conceptual deficiencies and the unpredictabilities that
24 Scott described when the package of carrots and sticks was invented 25 years ago. It is
25 a package of carrots and sticks. There's TDRs, there's zoning, there's sanitation policy
26 and it all has to work together and if parts of it aren't working well, we've got to repair it
27 quickly. Why do I say that? Two reasons. The growth in the metropolitan area which has
28 been so enormous and dynamic in the last 20 years so that folks who would develop
29 real estate commercially look to open land naturally, that's their business and look to
30 these open 100 thousand acres as a place to develop significant housing tracts. Nobody
31 on our committee, nobody on our committee has any quarrel with the sale of land for
32 housing development by individuals but I think most of us are troubled at the thought
33 that national real estate development companies have now conceived strategies to
34 develop commercial subdivisions in the Ag Reserve. So there's an enormous spectrum
35 of difference there in development in the Ag Reserve which takes land out of farming.
36 So just the pressure of growth is one reason that time is working against us. The other
37 reason that time is working against us is technology. There can be little doubt that 8 or
38 10 or 15 years from now, new technologies from dense countries like Finland and
39 Switzerland will arrive in the United States. It will make sanitation technology a whole lot
40 simpler and more compact and easier than it is today. And when that day happens, the
41 original vision of the Council 25 years ago that sanitation technology would be sort of
42 one of the natural barriers to development it won't exist as a natural barrier anymore. So
43 don't count on lack of evolution in technology as solving the problem. It's not going to
44 work that way in my judgment. Do look at the minority statements from all perspectives.



January 30, 2007

1 They, all sides of the coin, they tend to be a little blunter than the consensus report and
2 in that sense will give you a flavor for the debate. And please, don't be put off by the
3 public sector cost of the BLT Program but be inspired by the potential private sector
4 funding of it that goes with the small public sector cost, compared to what the private
5 sector funding will do. Because it is the lynchpin that holds all this together. It's the
6 carrot that makes all the sticks work and every landowner in the Ag Reserve today who
7 sees maybe some new sticks and maybe grudgingly accepts them as necessary for the
8 larger public policy needs the carrots. They go together. Thank you very much.

9
10 Council President Praisner,
11 Thank you. We'll use those carrots on Pam's horses. And I'll keep the pitch fork. Anyone
12 else? If not, Marlene, do you want to make any comments from Council staff
13 perspective

14
15 Marlene Michaelson,
16 The only thing I wanted to do was thank the members of the group who worked
17 extraordinarily hard. I think the report reflects the amount of effort they put into this but I
18 just want to let you know that for the past eight months, they met every other week
19 ranging from two hours to as long as six and a half hours straights to get this done.
20 Many met in between. They sought out people within the group that did not share their
21 perspective and met with them to try and reconcile differences. I think it was just an
22 extraordinary effort and I think they should all be very proud of the results. I'm certainly
23 very impressed by it.

24
25 Council President Praisner,
26 Well, thank you all very much. My colleagues, there are a few colleagues and I'm sure
27 more lights may go on knowing this group to provide an opportunity for Councilmembers
28 to ask questions or to – about the report or to make whatever comments they may have.
29 I wanted to, before we begin, lay out where we go from here, from a perspective of the
30 Council or at least initially where we think we're going from here. I appreciate very much
31 the comments that were made about looking at this issue as a package in dealing with
32 only one piece of the report and not dealing with all of them, however it is that we –
33 whatever conclusions we come up with and obviously we may vary in – in that -- those
34 judgments but, in those decisions but dealing with this as a package is a very important
35 piece obviously whether you talk about carrots and sticks or the comprehensiveness of
36 this. Today, we confirmed our new Department of Economic Development Director with
37 whom when we met the issue of the Agricultural Reserve and agriculture as an industry,
38 when we interviewed him was raised and we look forward to the focus today -- that
39 focus on continuing to reinforce that it's not just the land but the capacity to make a
40 living on that land and that means supporting agriculture as – as a business. It is very
41 important for all of us. This morning Mr. Leventhal's lead resolution on highlighting with
42 signs when one enters the Ag Reserve will help to some extent in informing not just the
43 – those who live there but also the broad public who may be interested in looking at
44 places to live but also but also have a fuller appreciation of – of what this thing is that



January 30, 2007

1 but also have a fuller appreciation of what this thing is that we call the Ag Reserve was
2 adopted by the Council. From a standpoint of the recommendations, the report will first
3 go to the Planning Board to allow them to provide some opportunity to comment as well.
4 And we hopefully will have their comments and thoughts and they can act on however
5 they form their proceedings to do so, before March 13th hopefully which is the first,
6 12th-- March 12th, I'm sorry, before March 12th then which is the PHED Committee's
7 first discussion on these issues and we hope to, again, try to use somewhat the model
8 that we used when we had the staff recommendations on affordable housing and
9 created Omnibus packages legislatively to the extent there is legislation to move them
10 all forward simultaneously thus we can get the kind of input that we need in a collective
11 way and can try to look at this so we're not talking about only one piece being looked at
12 and not all of it. Some of the things obviously are not legislative and our
13 recommendations that go beyond that but I have asked staff, Jeff and Marlene
14 especially but all of our Council staff and Justina to the extent that they are involved to
15 lay out what action needs to be taken and where the lead or the responsibility needs as
16 far as those recommendations are concerned. So, hopefully we can move forward on
17 this, trying to keep the package together and trying to keep the recommendations so
18 they are in front of us and so that we can deal with them in a timely way. I will now let
19 my Councilmember colleagues have at it as far as any questions or comments that they
20 might have and the first is Mr. Leventhal who to whom I think we also need to say thank
21 you because as Council president it was his vision to create the Working Group as a
22 way of pulling all of the sense of urgency and interests together and he's the one who
23 brokered among Councilmembers our suggestions for individuals to serve on the
24 Working Group and obviously we had good ideas, you are great people, but George is
25 the one who did all the hard work of putting the group together. George.

26
27 Councilmember Leventhal,

28 Thank you so much Madame President. I really appreciate what you said and I really
29 like the road map that you have laid out for considering these recommendations as a
30 package. I think it's an excellent way to proceed. I know one thing, all nine members of
31 this body want to keep the Agricultural Reserve, to protect it as very, very low density
32 rural and agricultural acreage forever. All nine of us believe in that. All nine of us are
33 committed to that. Let us not believe those who would suggest otherwise. Let us not
34 allow what an extraordinary work product that has emerged, a consensus document, to
35 break down into accusations that any of the nine of us are anything other than fully
36 committed to this great triumph of good land use and good planning in Montgomery
37 County. I'm so proud to be a member of this body and I'm so proud to be part of a
38 tradition that includes Royce Hanson's earlier tenure on the Planning Board that
39 includes the work of distinguished former members of this body like Scott Fosler and
40 Nancy Dacek and many others who have upheld this vision for 27 years now and it falls
41 to us, the nine of us, to preserve this vision. We had an interesting conversation, the
42 Council President led us to a meeting with the Board of Education this morning, and we
43 had some discussion about what is our job, what is their job, what is the job of the
44 General Assembly, where does our responsibilities end, where do their responsibilities



January 30, 2007

1 begin, there is some overlap. Let me tell you protecting the Agricultural Reserve forever
2 is our job. It is the job of the Montgomery County Council. It always has been. It always
3 will be. It falls squarely on us to recognize the competing and compatible interests that
4 were represented on this Working Group. When I appointed the Working Group, I had
5 several goals and I am so pleased with the work product because I really do believe it
6 achieved the goals that I and my colleagues had a year ago. And first among those was
7 that different stakeholders would really listen to each other. These are good people
8 involved in this effort. Lib Tolbert, the great lady of Barnesville. I've known you for many
9 years Lib. You enjoy universal respect throughout this County and Scott Fosler, thank
10 you for assisting in the facilitation of this discussion. This Working Group included those
11 whose families have been engaged in farming for many generations, some dating back
12 to the 19th century. It included those who have moved to the area more recently and
13 want to preserve the open space view sheds and rural feeling that attracted them there.
14 And it includes some – included – it included two distinguished former members of the
15 County Council and it included representatives of the environmental community who did
16 not – do not actually reside in the Agricultural Reserve. And all of these stakeholders
17 really worked together and really struggled with their shared desire to protect this
18 extraordinary resource. When I was elected to the County Council in 2002 I didn't know
19 very much about agriculture in Montgomery County. I live less than a block from the
20 District of Columbia line. I'm as far from the Agricultural Reserve as you can get and live
21 in Montgomery County and one of the great joys of my first term in this body was
22 touring, visiting and making friends with the residents of our County and our Agricultural
23 Reserve and I particularly want to thank George Lechlighter, Jane Evans and Jim
24 Clifford, all three of whom have become good friends and who have taken the time to
25 walk me through some of these issues and give me tours and --and others as well who
26 have taken the time to drive with me, walk with me and deal with these issues. I want to
27 make just a couple of closing points. BLTs and TDRs don't work unless you allow
28 density down County. We have a balanced approach to land use. If we are going to
29 protect in this dense urbanized region, a lot of low density rural land, the trade off that
30 was agreed to back in 1980 was, that we would maintain the farmers equity by giving
31 them the ability to sell the TDRs down County and this Working Group is recommending
32 additional TDR receiving areas and the establishment as Scott Fosler has explained of
33 a BLT Program that depends upon the ability to sell the development rights down
34 County so that when we look at growth, we can't preserve super, super low density up
35 County unless we have some density down County TDR receiving areas and a
36 workable BLT Program. It all fits together. This is a day I think when we really should
37 take pride in the quality of the citizen volunteers that we have in Montgomery County. I
38 know that all of you put a great deal of time and energy into this and I know that all of
39 you approached it as grown- ups, all of you, as I said, really listened to each other and
40 made an extraordinary effort to come together and share a vision. I am confident that
41 the nine of us will do the same, that we will listen to each other, that we will respect the
42 great work that this Working Group has done and that we will preserve this
43 extraordinary resource of which we all should be proud for another 27 years, 127 years,
44 1,027 years, we want the Agricultural Reserve to be protected forever.



January 30, 2007

Elizabeth Tolbert,

Thank you. On behalf of the committee I'd like to respond. I think that was a wonderful statement, very true but I have one little quirk. I understand that we are going to have painted signs indicating the upCounty. Don't pepper us with signs. We like it the way it is, but I understand where you're coming from, but just think about that a little bit. I know they're going to cost money so that's one place you could kind of save a little and we thank you. Thank all of you.

Council President Praisner,
Council Vice-President Knapp.

Councilmember Knapp,

Thank you Madame President. Now you also have a little of flavor of the debate that took place during the course of the Working Group. I want to thank all of you and I have had an opportunity to spend a lot of time with each of you both in the staff meetings and personally and I know all of the time and the commitment and I appreciate all of your efforts, to have watched the debates and the discussions was actually very informative and very helpful. Oftentimes when an issue comes before us we get to have five or ten percent of the discussion that needs to occur and while you didn't all get to have 100% of the conversation you certainly had the opportunity to put, I think, all of the major issues on the table for a full vetting and a full discussion and so it's very helpful for me just to be able to sit and watch the discussion from all the various viewpoints and so I thank you – thank you for that but thank you more importantly for really coming to a strong consensus with a set of recommendations and I think if there is any message that we should all get here today, that is a very a passionate group of individuals who care deeply about the Ag Reserve from a variety of perspectives, have the ability to come together to reach a set of – of very significant recommendations which will go a long way to preserving the – well, not a long way, I think if we follow these recommendations, will preserve the Ag Reserve in perpetuity for generations to come. And so I thank you all very much for that. I thank the staff. I can't -- all of you have had comments as to how helpful and productive the staff have been, Marlene, Amanda, Jeremy, Jeff, Callum I know has been helpful. And so I thank all of you for all of your time and commitment and thank George for pulling everybody together in the first place. Just even in getting to – getting the group pulled together, that was indicative of how it was all going to play out. I've had my doubts and skepticism so I appreciate the fact that you overcame our ability to put a group together. Thank you George for your efforts to do that. And so I, but I want to thank you for that. Really, and I hope everyone has heard the message that you're all saying that these are the things, that you've all come together to make a positive recommendation, but for kind of a -- what I would argue is a fairly small, not unimportant, but small, small difference which I think that we can probably work our way through. I think probably the most important thing that you said though is the BLT Program. And we all kind of chuckle at the funding but that's the difficult part. But realistically, when we talk about how do you preserve one hundred



January 30, 2007

1 thousand acres in perpetuity, if I look – have seen the numbers, you're looking at about
2 one hundred million dollar investment over some period of time, which on its face
3 sounds like a lot of money but one hundred million dollars over eight to ten year period
4 is, you know, eight to ten million dollars a year or ten to twelve million dollars a year,
5 which is not insurmountable when looking at a four billion dollar budget that continues to
6 grow and I think the fact that you've come forward with recommendations that show that
7 you can do -- we can do this with a public and private sector cooperation or funding
8 mechanism I think is important for us to look at as well. So, I'm hopeful that we can
9 really seriously make a significant step forward on addressing that this year because I
10 think as I've heard you say, that's probably the most important part. It's important to put
11 the legislation in, but it's also very important to make sure we have got it funded
12 adequately. And for you who have done all that hard work, and for us not to have made
13 the funding commitment, I think it would be a shame on us. And so I just thank you all
14 very, very much for your efforts. Thank you for taking the time. Thank you for your
15 commitment. Thank you for your passion. But more importantly, just thank you for your
16 commitment to community. And I think that's what at the end of the day this -- this is all
17 about. And I look forward to working my colleagues to -- to fully implement what you
18 have have recommended and I hope that we all can continue to stay positive because
19 I've seen in my fairly short time here that we can take something that has 98%
20 consensus and all of a sudden turn it on its head and make the 2% look amazingly
21 divisive and so every group I have spoken to, I have encouraged to really, let's focus on
22 the 98% that everyone agrees on and let's have a constructive conversation around that
23 2% but I don't think that that is an insurmountable obstacle for us to -- to overcome and
24 so, thank you all very much. I look forward to the next couple of months and if we do
25 this right, by summertime, you won't have to keep come visiting us on such a regular
26 basis.

27
28 Council President Praisner,
29 Councilmember Elrich.

30
31 Councilmember Elrich,
32 I just want to thank you all for the work you did. A couple of things come to mind. One is
33 I really appreciate the work that volunteers can do and I have had a lot of experience in,
34 with it in my town and it's good to see that everything doesn't have to be done by paid
35 experts, that we have the strength and ability in our community to tackle difficult
36 questions and put together good answers and I have to acknowledge Lib because I've
37 known Lib for many, many years through the Maryland Municipal League and she was a
38 very strong force there and you continue to be a really strong force in the community
39 and I appreciate that. I was warned during the campaign about this task force and about
40 the report that was coming --

41
42 Council President Praisner,
43 Warned?
44



January 30, 2007

1 Councilmember Elrich,

2 Yes. I was told that this is going to land in your lap and if you think things are divisive in
3 Montgomery County, wait until you get this and so I'm especially appreciative of the
4 work you have done to not hand a bomb over but to have reached, you know, some
5 really hard decisions in a coherent and compact way that we can look at – as you
6 suggested as a package. It's nice when the first big thing you get handed is – is not
7 what people told you it was going to be, so I, I really thank you for the work you've done
8 and look forward to working with you as we eliminate the remaining differences and get
9 something done.

10
11 Council President Praisner,
12 Councilmember Floreen.

13
14 Councilmember Floreen,

15 Thank you, Madame President. Well, I want to add my voice to the chorus of adoration.
16 You know this, it's been over a year that the issues that this group tackled have been on
17 the table. We had a very divisive environment. We had land use issues, we had water
18 and sewer issues, we had preservation issues, we had economic issues, all flailing
19 about in the same environment and I am really very grateful to you all for devoting such
20 time, effort and attention to bringing us a package that pretty much wraps up these
21 points and reminds us of our continuing obligations with respect to, on the one hand if
22 we really mean to preserve the Ag Reserve, we are going to have to take actions in
23 other parts of the County as George mentioned to ensure that that actually gets carried
24 out and that is something that we need keep foremost in our mind as we address, you
25 know, the other items on our agenda today and the ones that will confront us in the
26 coming months. It really confirms a book I am listening to in my car as I drive around,
27 The Wisdom of Crowds, by Mortichai Reich who basically says do what we did, put all
28 the smart people in a room, make sure they have diverse points of view, give them the
29 same information and have them hash it out. Because that's what you have done and
30 you really have made it much easier for us to move forward. So I want to thank you for
31 that. I also think we need to give Mr. Clifford extra credit because the BLT Program
32 which, bacon, lettuce and tomato, I'm not sure if that's exactly the message, but good
33 enough for government, I suppose. That is I think the glue that will hold and support
34 most of these initiatives. Because that is the commitment to preservation and an actual
35 means to get us there that we really didn't have before. So Mr. Clifford and he's
36 pointing, but really it is Mr. Clifford who came up with the idea and has worked it through
37 with all of you and I think he's given us a great resource to now find a way to fund. But I
38 just want you all to know I'm prepared to support the committee's recommendations.
39 I've told the staff. I know we're going to go through committee and we'll work out things
40 but I think what this committee has agreed to put together and of course there's
41 disagreement, that's going to happen, but I'm prepared to support it all the way and I
42 hope that the rest of the Council will be able to do that as well. This reflects a
43 tremendous commitment by all of you and I especially want to single out Lib and Scott
44 because you really -- I think Lib's medical challenges were intentional so she allowed



January 30, 2007

1 Mr. Fosler to take over periodically and you really double teamed it, I think in a very
2 effective way. So, both of you brought tremendous strengths to this effort and both of
3 you deserve tremendous credit for bringing us here today and allowing us to say isn't
4 this great and not as bad as folks thought it might be. So, thank you very much and I
5 hope we can get these initiatives moving, get the legislation passed and correct what
6 we had put on the table previously to keep this conversation alive and move forward.
7 So, thank you. Thank you. Thank you.

8
9 Council President Praisner,

10 I just want to make a couple of comments and tie two things together that were on the
11 Council's agenda today. Number one is your report but number two is the preliminary
12 conversations that wound up being unanimous but deal with land use and land use
13 policy in this County and there are some issues that are coming forward in this County. I
14 have to reflect a little bit from where I sit as a Councilmember from a down County
15 district predominantly although the area does come right up to the Ag Reserve quite a
16 bit. I live in an area that was the recipient of the first TDRs after the adoption of the TDR
17 Program and with due respect to Scott and to those Councilmembers, what happened
18 was there was such an enthusiasm for the placement of TDRs that the Council and the
19 subsequent Councils had to do a more strategic placement when it came to land use in
20 the Fairland White Oak area and there are folks still in that area, old timers, who believe
21 that the character of that area was significantly and dramatically changed by a
22 excessive amount of TDRs in one place. That going to be the challenge of looking at
23 down County land use and deciding where and how TDRs are placed. They cannot be
24 placed indiscriminately. They need to be tied as your recommendations suggest to
25 areas where up zoning is proposed and in areas where they have not been used before
26 and areas where a certain quantity were required before and we should look more --
27 more at narrowing the use and therefore guaranteeing the likelihood of their use. In
28 some cases it is, and as we've seen in the previous Council's action on one parcel it is
29 not the placement of the TDRs that is the issue, it is ensuring that they're used and that
30 has been the problem, more than anything has been the lack of use of the TDRs and so
31 we're going to have to have conversations and explore that piece of it. The other way in
32 which the County is going to have to, I believe, find the resources and the priority for the
33 funds that are necessary is in order to explain to the broad public why this is important
34 and that is an education role that all of us share. It is a prioritization and an education
35 role and those funds -- or how those funds are used is going to be a piece of the
36 discussion I believe, or where and when they are used. So those are the -- and I guess
37 final piece is ensuring that the denser development is done in a way that also pays
38 attention to issues like green space and quality of life and effective development of
39 effective communities. It's to the Ag Community's advantage that the down County is
40 not only supportive of the agriculture but supportive of the policies that create the
41 density in the down County and that -- and supportive of the funding that will place that
42 BLT process as a viable one and that means broadening both the argument for the Ag
43 Reserve by the down County but also broadening the up County or Ag Reserve
44 community's understanding of the concerns that the folks in the down County may have.



January 30, 2007

1 If we don't broaden our understanding across that imaginal line, we will at one point,
2 whatever it might be, wherever it might be in the future get to a point where
3 development is creeping right up to that line. There are farmers in my district and folks
4 and low developed land within my district that is not or was not intended for water and
5 sewer. If we continue to expand water and sewer capacities and use right up to the Ag
6 Reserve line, no matter what we may say, I think we put pressure on the Ag Reserve.
7 So it's policies down County that I believe the Ag Community needs to, and I hate to put
8 work on your heads, but needs to get engaged in as well and that includes annexations
9 that may erase TDRs or a variety of other things that may occur. I am excited by the fact
10 that, as Nancy said, the legislation that she talked about is an incredible piece of this,
11 but all of the other pieces need to fit together as well because we can't hang it on one
12 piece. You have done an excellent job as a Working Group. Now the baton or pitchfork
13 or whatever we call it passes to us and our staff and we look forward to your input in
14 that process. Before we adjourned, I have a very little token of appreciation that I'd like
15 to present to all of you. If I can.

16
17 Unidentified

18 You should know that we usually don't spring to have these things framed. This is a big
19 deal. (laughter)

20
21 Council President Praisner,

22 This certificate that the Montgomery County Council is awarding is in recognition and
23 appreciation for your commitment and dedication to the Ad Hoc Agricultural Policy
24 Working Group and to all the people of Montgomery County. And the first one goes to
25 Lib.

26
27 Elizabeth Tolbert,

28 Thank you very much. (applause)

29
30 Council President Praisner,

31 Second one is for Scott Fosler as Vice Chair. (applause) Wade butler. (applause) Beau
32 Carlisle (applause) Margaret Chasson (applause) Jim Clifford (applause) have you
33 guessed they're alphabetical. Oh, okay Jim. Nancy Dacek (applause), Jane Evans.
34 (applause). Thank you. Tom Hoffmann. (applause) Pam Saul, with the pitch fork.
35 (applause) Drew Stabler (applause). And William Willard (applause). Again, thank you
36 all for much for all the work you have put in. Thanks to our staff as well. I hope you will
37 stay interested and involved as we work through the process. As I said we've asked the
38 Planning Board to comment on it first and then it will come back to the Council and to
39 the PHED Committee. Again, thank you. We are in recess till 1:30.

January 30, 2007



1 Council President Praisner,
2 Good afternoon ladies and gentlemen. This is a Public Hearing on the Supplemental
3 Appropriation to the FY07 Operating Budget of the Montgomery County Fire and
4 Rescue Service for Staffing for the Adequate Fire and Emergency Response Grant in
5 the amount of \$243,680. A Public Safety Committee work session is tentatively
6 scheduled for February 15th at 9:00 a.m. Additional material for the Council's
7 consideration should be submitted by the close of business Monday, February 5th.
8 Before beginning your presentation and there aren't any, please state your name clearly
9 for the record. There are no speakers and this Hearing is closed. Good afternoon this is
10 a Public Hearing on the Supplemental Appropriation for the FY07 Operating Budget of
11 the Department of Health and Human Services for the Immigrant Health Initiative Grant
12 in the amount of \$1,157,860. A Health and Human Services Committee work session is
13 tentatively scheduled for February 5th, 2007 at 2:00 p.m. The record will close at the
14 conclusion of the Hearing. Before beginning your presentation, please state your name
15 clearly for the record. There are no speakers for this Hearing, either. We are then
16 moving to item 9, which is Action on the Resolution to amend Resolution 15-1688
17 regarding FY08 Process for Grant Proposals for Non-profit Agencies. I would appreciate
18 if the clerk would, again, notify Councilmembers we're only two minutes ahead of
19 schedule. So folks should be coming up for this item and I'm going to turn it over to
20 Councilmembers, which one, Trachtenberg first, who's Chair of the Management and
21 Fiscal Policy Committee and then beyond that, if Councilmember Leventhal who is chair
22 of HHS Committee wants to speak as well.

23
24 Councilmember Trachtenberg,
25 Thank you, Madame President. I am going to ask Councilmembers present to take the
26 memorandum from yesterday, which was sent out by both Councilmember Leventhal
27 and myself. It was a brief memorandum relating to the Grants Process and it basically
28 clarifies the position of both the HHS and MFP Committees and what our
29 recommendation is clearly to the Council on the 2008 Grants Process. And, what the
30 memo simply does is identify the process which is the following: that using the criteria
31 that we agreed upon on January 25th, that this criteria would be shared with the
32 Advisory Group, all 36 members, that a list of specific tasks for committee members
33 would be provided by our Grants Manager, Peggy Fitzgerald-Bare. We would then ask
34 the Advisory Group to compose a document around each application which would have
35 a short narrative, again, the narrative would be written very specifically and narrowly
36 around the questions that were posed in the criteria. That the working group's document



January 30, 2007

1 would not rank, score, or tier the applications. After this process was complete our
2 Grants Manager would work with the two Co-Chairs of the Advisory Group to provide a
3 list to the County Council. And that list would be used as a basis for recommendations
4 made through the Council President's office, that clearly would be input from colleagues
5 from all Councilmembers. And that, you know, it's our belief of both Councilmember
6 Leventhal's and mine, that this proposal, which is a compromise for some but maybe
7 not for all, makes full use of the time and the input of the citizen volunteers who we
8 value and also the expertise of our staff. And it also makes it clear that the final
9 decisions on all of the grant applications are made by those of us that sit here in elected
10 office on the Council. I also want to clarify that in this Grants Process, we're not asking
11 at this time for any participation from the executive branch or for the Executive to
12 provide us with any grant numbers in a Supplemental Appropriation. Again, that's what
13 process we're recommending to the entire Council and at this point I would ask
14 Councilmember Leventhal to share his comment on this as well.

15
16 Council President Praisner,
17 I just want to be clear. I assume that members of the committees also have seen that as
18 a member of the Management and Fiscal Policy Committee, I share my Chair's
19 recommendation, so I just wanted to make that clear. (multiple voices) I just – I wanted
20 to make it clear before George spoke, that as a committee member, I agree with the
21 MFP Chair's representation, so, George?

22
23 Councilmember Leventhal,
24 Well, let me thank Ms. Trachtenberg for her initiative on the Grants Process. It is
25 probably never going to make everyone happy because we will never be able to fulfill
26 every grant request, but I appreciated working with Ms. Trachtenberg and Mr. Berliner
27 and the Council President on this. I just want to really thank our citizen volunteers who
28 have offered their time to really look through these grant applications, learn about the
29 vital human services that we so strongly support that the non-profit organizations are
30 providing throughout the community. This morning we lavished praise on a group of
31 citizen volunteers appointed by this Council to advise us on Agricultural Policy. We've
32 had other citizen advisory groups appointed by this Council in the past to assist us with
33 policy matters. Never in my experience have I seen a campaign from the community to
34 try and discredit a group of citizen volunteers like the one that I've seen over the last few
35 weeks, including an article in the Washington Jewish Week on Friday in which citizen
36 volunteers were described as any John or Jane Doe off the street and elected officials
37 were accused of not doing our jobs because we had asked citizen volunteers to provide
38 us with informed recommendations. On behalf of the citizen volunteers who have
39 offered their time for this purpose. I want to say, that I believe we will get great
40 assistance from this group. And the final decisions as always will be made by the nine
41 of us sitting here. And again, I want to thank Ms. Trachtenberg for her initiative in this
42 area.

43
44 Council President Praisner,



January 30, 2007

1 Yes, there are a couple of lights, did you want to comment again?

2
3 Councilmember Trachtenberg,

4 Again, I thank Councilmember Leventhal for his remarks and what I want to make clear
5 on my own position and around this proposal for the process of review on grants, is
6 simply that I do recognize the value of community input. And quite frankly I consider it a
7 mitzvah, which in Jewish tradition, is quite an accomplishment and a notable task at that
8 and I am learning that being on the County Council is a mitzvah as well.

9
10 Council President Praisner,
11 Councilmember Berliner?

12
13 Councilmember Berliner,

14 I am pleased to support both my Chairs. I serve on the MFP Committee and on the
15 Health and Human Services Committee. And I am grateful that my two Chairs have
16 reached this agreement and allow us to go forward. And I personally am particularly
17 pleased that we ended up adopting the recommendation that was put forth by seventy
18 non-profits not to have any scoring, tiering or ranking and to go with a qualitative
19 narrative to help us in this process. So that was a key aspect from my perspective of
20 this compromise. And I'm glad we are able to go forward on this basis. I thank all
21 involved.

22
23 Council President Praisner,
24 Councilmember Andrews?

25
26 Councilmember Andrews,

27 Thank you I appreciate the hard work that has gone into this, but I don't support it. I do
28 think that it's inappropriate for the legislative branch to be selecting grant recipients. I
29 think the sooner that we move this to the executive branch, the better the process will
30 be. I like very much Councilmember Trachtenberg's proposal that she put forward as at
31 least a possibility for next year, which would be to have these shifted to an office in the
32 executive branch that would bring on people who evaluate grants for a living to score
33 and then to have the Executive recommend. My preferred approach would be for the
34 Council to decide at the beginning of the process, how much money to appropriate for
35 grants, provide some parameters of what areas we would prefer to see them, which
36 would not necessarily be exclusive. And then the presumption would be that we would
37 abide by the recommendations of the group that is doing the intensive review. Certainly
38 the Council never gives up it's ability to make a decision and we don't give up our
39 appropriations authority. But I do not think it's appropriate for the legislative branch to
40 select contract recipients.

41
42 Council President Praisner,
43 Ms. Floreen?



January 30, 2007

1 Councilmember Floreen,

2 Thank you. I have a really just couple of technical questions, which what is it that we are
3 being asked to do today? My understanding was that we were looking at amendments
4 to the Council resolution that was introduced the other day. I guess it's this one.

5
6 Council President Praisner,
7 It's circle one and two.

8
9 Councilmember Floreen,
10 One and two. And so that – those are the action items. Isn't that what we're talking
11 about?

12
13 Council President Praisner,
14 Either Committee Chair can respond. Mr. Leventhal, if you'd like to.

15
16 Councilmember Leventhal,
17 May I Madame President? In answer to my friend and colleague, Ms. Floreen, it is
18 important that we provide very clear instructions to the citizen volunteers who will be
19 reviewing what is anticipated to be a couple hundred grant applications and to our staff.
20 Let me really thank Peggy Fitzgerald-Bare and Joan Planell, who have staffed us so
21 excellently up to now and who have a lot of work ahead of them, particularly Peggy in
22 the coming weeks, but. So there had been as all colleagues know, a lack of clarity as to
23 what procedure would be followed. And so Chairwoman Trachtenberg in her initiative
24 and the memo that I've joined her on, attempts to provide great specificity as to exactly
25 what will occur in the months ahead. And so, as I understand it, this memo comes to the
26 Council now as the joint recommendations of the Committee and does require a vote so
27 that we can provide a clear sense of the Council that will give guidance to our staff and
28 to the citizen volunteers on the Grants Advisory Group.

29
30 Councilmember Floreen,
31 Well, okay. Well, are we supposed, so, are you amending your resolution? That's my
32 question. You know, I am not sure -- well, what are – we this is part of the resolution.

33
34 Councilmember Leventhal,
35 My understanding -- Madame President, if I may. I mean, it would not be the first time if
36 the Council simply voted to express -- if this were the will of the Council to endorse a
37 memorandum. Then the memorandum would be cited as guidance. It isn't drafted in the
38 form of a resolution, it's just a memorandum but if the Council were to approve it then
39 that would then, this memorandum would provide the guidance..

40
41 Council President Praisner,
42 Okay, well – there's also information within the resolution. So you'd be adopting the
43 resolution and the elements that are in the memo that are not incorporated within the
44 resolution.



January 30, 2007

Councilmember Floreen,

Okay. Well, if that's the case, I'll just comment, I think that either we have a process or we -- we agree that we haven't quite resolved all the details. And I just will comment that I have never been comfortable with a president's list approach that's identified here and would be my hope that we will be able to all communicate about what the ultimate determination is that the Council does funds based on the availability of funds when we know at the end. That's what this memo identifies here as an I think the point I wanted to make us that, until we've agreed on some more formal alternative process such had been identified by Ms. Trachtenberg, by Ms. Ervin, or somebody else in terms of consultation with the community, there will continue to be the usual challenges of prioritization and final decision making and that the process by how we get to a grants list this year will remain informed by all nine Councilmembers and so I wanted to say that for the record and make sure that, I hope that there's some collective agreement that that will be part of the -- of the resolution of this process.

Council President Praisner,

My understanding of what we have in front of us does not eliminate any Councilmember involvement in the process. It provides an opportunity for folks to react to some refinement after solicitation with all Councilmembers, but my understanding is it doesn't remove any Councilmember from the process or remove any involvement by the Council in the process.

Councilmember Floreen,

Yeah. Well, that's -- I just want to make sure that that point was recognized because, you know, it's never an easy day or collection of days when -- we know how much money is available. And we have done workout on folks priorities.

Councilmember Leventhal,
Madame President?

Council President Praisner,

I think that's understood. No, I think that's part of the understanding, Mr. Leventhal you wanted to comment.

Councilmember Leventhal,

Yeah, I just wanted to call my colleagues attention to the last paragraph on the first page of Councilmember Trachtenberg and my memo in which it simply says, the Council President will consult with Councilmembers to develop a president's list of recommended grants for the Council to consider. It does not mandate that Councilmembers must vote for the list. It does not preclude any Councilmember from exercising his or her prerogative to offer amendments to the list or to seek to place things on a reconciliation list that are not recommended by the Council President. I would say, however, from the benefit of having gone through this before as others here



January 30, 2007

1 have, I hope we can minimize the practice of falsely adding things to the reconciliation
2 list that we know full well will never be funded and offering basically false hope when it
3 comes to these non-profit organizations in order to make a public gesture of support for
4 something that at the end of the day won't get funded and we all, those of us were here
5 for the last few rounds recall that occurring with respect to community organizations,
6 who when it was all over ended up angrier rather than happier because we had the
7 symbolic gesture of voting for them but then the budget came out and they weren't in it
8 and so through this mechanism of the president's list, which Councilmembers could
9 certainly amend or vote against or whatever, my hope would be that we would minimize
10 these hollow public gestures of support for things that don't end up getting funded at
11 the, when all is said and done.

12
13 Council President Praisner,
14 Councilmember Irvin is next.

15
16 Councilmember Ervin,
17 At the end of the day, the process is still the process, it's discretionary money and that's
18 what we're doing here. We're just going to allow Councilmembers the opportunity or the
19 option to support those grant -- community grants that they deem are the most, I don't
20 know how to other describe it. The most meritorious. You know, the memo -- my first
21 day on the job, I shared with you my own memo because of my concerns that this is not
22 exactly a humane process to have non-profit organizations walk into our offices over the
23 next three months at what I now term the begathon. I talked to Council President
24 Praisner a couple of weeks ago and she was telling me that the begathon in Annapolis
25 will be no more. I would like to find a way to really change the way that we fund our
26 really great friends in the non-profit sector in a way that is more humane. At the end of
27 the day, we're going to turn away a lot of non-profit providers who will get no money. I
28 am going to vote for this measure today because I know that the folks on the non-profit
29 sector have worked very diligently on trying to get us to a process that works for all of
30 us. So I'm hoping that the memo that I put on the table next year will be fully vetted and
31 that we come up with a process that not only serves us, but serves the public the way it
32 should serve the public.

33
34 Council President Praisner,
35 Ms. Ervin, you're, it's my goal to have the Council during this year have a more
36 extensive discussion. We may not finish it. But have the discussion early enough to
37 know what we want to do and also to have the benefit of the County Executive's view
38 early in the timeframe. The other challenge that I think we face is that we don't know
39 what dollar amounts will be available next year or this year. And there are no matter, I
40 think it's true that no matter what process we go through, there are going to be folks
41 who not going to get funded and that's true if you go to a foundation, or you go to
42 government, or you're asking for recreation programs or trash to be collected more
43 frequently than we do or whatever, folks desires will be listened to in this process as we
44 try to develop one but the reality is that there are just not enough funds available to give



January 30, 2007

1 everybody what they would like. The other piece is somewhere between now and next
2 year I'd like to find a different word than Grants Process because these are not grants.
3 These are contracts and these are contracts between a non-profit and government for a
4 specific service to be delivered and somehow we've got to get that across as well
5 because I think there are unrealistic expectations that unlike some foundations where a
6 check is written as soon as the decision is made, we don't do that here and cannot
7 legally. Mr. Knapp.

8
9 Councilmember Knapp,

10 Thank you Madame President and as one who hopes to be Council President one day, I
11 would strongly encourage you to take as many, as much time as you could this year to
12 get all of these issues resolved. I think that'd be just wonderful.

13
14 Council President Praisner,

15 If you'll just let me have my pitch fork.

16
17 Councilmember Knapp,

18 If that's what it will take, no problem. I just have one quick question for staff and I forget
19 how this was presented last year once all of the grants were kind of put together in a
20 bundle. But as we do this, if you could come up with a way that shows not only what
21 wasn't funded by the County Executive but what was included and how what criteria
22 consideration were used there in all of kind of the same document. I just don't
23 remember how that was packaged last year. I just remember it was very confusing
24 trying to kind of remember whose was on what list and what was in the budget, what
25 had previously been in the budget, what, just if there was some way to kind of package
26 all those things so we could in one document kind of flip through all the pieces and
27 know where all of those organizations applying for grants, contracts, whatever you want
28 to call that were all contained. That'd be helpful, thanks.

29
30 Council President Praisner,

31 Councilmember Elrich.

32
33 Councilmember Elrich,

34 I want to thank you for putting together what I think is a workable interim proposal but I
35 really want this process out of the Council's hands. And I've got to say, you know, I've
36 probably got the same hundred and some e-mails that all my other colleagues got, I
37 forgot, lost count, but it was a rather large number of emails and, you know, some of the
38 arguments in there were interesting. I reject the notion that the Council can't look at a
39 scoring system and still make its own decisions, I mean, I did that in Takoma Park as a
40 member and observing what the – Block Grant Committee brought back to the Council
41 and sometimes we agreed with what the Block Grant Committee recommended,
42 sometimes we didn't. But I'm going to say what concerns me most, it's not the stuff that
43 was in the e-mails, it was the private lobbying that was done and some of the comments
44 made in the process of private lobbying. It really bothers me that results in one County



January 30, 2007

1 that use one process are used to cast aspersions on what might happen here. And I can
2 tell you that if I hear that argument during the process of making this decision, I won't
3 refer to it vaguely, I will refer to it directly. Because it is absolutely inappropriate to cast
4 aspersions on the intentions and whether people are, I can't find the word for it, it's
5 incorrect to aspersions on the intentions of people and imply that people would act on
6 the basis of race, ethnicity, or anything else if this process were taken out of the
7 Council's hands, and I was deeply disturbed by having this raised with me as a point of
8 view that I ought to consider. I won't hear it and if I do, I promise you I will not be vague
9 about how I refer to it next time. And I hope that's clear.

10
11 Council President Praisner,
12 Councilmember Berliner is back on.

13
14 Councilmember Berliner,
15 I just wanted to respond briefly to what I heard Councilmember Andrews say. What I
16 hear Councilmember Ervin saying, what I hear Councilmember Trachtenberg trying to
17 do and Councilmember Elrich which is, I believe that there is now a majority that really
18 does want to fundamentally stop this process at the Council and the only reason that I
19 am supporting this is because I was told in no uncertain terms that we could not get
20 there this year. And so, my support for this arrangement is explicitly on the basis that it
21 is a one year interim arrangement and that we will in fact fundamentally reshape this
22 process next year and that this is it. Assuming from my perspective it is not the way I
23 want to be spending my time. I've already spent more time on this than I believe is
24 warranted in light of the resources that we are going to be in a position to contract out
25 so I too share the desire I think of perhaps a growing majority on this Council to try to
26 find a way to work this in concert with the executive and for the Council then to be
27 acting on this as we do other appropriation matters, so with that, I yield the floor.

28
29 Council President Praisner,
30 Committee Chair Trachtenberg.

31
32 Councilmember Trachtenberg,
33 I'll be brief. I see that there is potential in the future for us to find some consensus here
34 on a process and I'm quite confident that that's going to happen. I also would expect
35 that we're going to have some rather animated conversations about what the process
36 needs to be. I believe that for the most part we're prepared for that. But the train's left
37 the station and I think we all recognize pragmatically that we've got to move forward and
38 the memo that was produced by Councilmember Leventhal and myself was really
39 presented in advance through the Council simply to define the role of the committee and
40 the task so that we didn't have to have -- although we might have, but we made things
41 clear, we're making them clear from the beginning of the process, and that, I think will
42 help guide the decision making. But again, I would agree that a conversation has to be
43 had, but I also recognize that my colleagues here recognize and value the responsibility
44 that they have in this. And so I appreciate everything that everyone has said and I am



January 30, 2007

1 just hoping that we find a process here and I think what was outlined in the memo is – is
2 – is workable. But by no means is it perfect and I think we could all agree to that.

3
4 Council President Praisner,
5 Last word, Councilmember Leventhal.

6
7 Councilmember Leventhal,
8 I want to assure my colleagues, I mean, if Mr. Berliner's counting votes, I also have a
9 very open mind as to how we could better coordinate human service delivery decisions
10 with the executive branch. I would never object to that. I just -- I don't think we're ready
11 for that in time for when things start coming at us really, really rapidly. We've got a new
12 County Executive. He is of necessity inheriting many budget decisions that had to have
13 been made by OMB in the months before he took office. I don't, he's just today named
14 his Director of Health and Human Services. She hasn't started work yet. She won't be
15 confirmed for a few weeks so, you know, I just don't think we're going to be there for this
16 year. But I'm delighted to work with a majority or a minority or my friends and colleagues
17 with very open mind. And I do indeed have a very open mind and look forward to the
18 conversation.

19
20 Council President Praisner,
21 It's obvious to me, Valerie wanted to speak, it's obvious to me that this Council is very
22 serious about tackling a variety of issues and all have good ideas about wanting to
23 move the process along and to look at new approaches and different approaches. And I
24 think the ideas that have been put on the table from the first one, first memo that I saw
25 from Councilmember Ervin are I think helping us to move the process along, so, I'm
26 excited by the prospects. Folks may not necessarily like what happens when the
27 sausage comes out the other end, but that is, that's what's going to happen with this
28 Council is we're going to seriously tackle these issues. Councilmember Ervin.

29
30 Councilmember Ervin,
31 I just wanted to correct something that Councilmember Berliner said. I'm not advocating
32 giving over all of the responsibility for the grants to the County Executive side of the
33 street. I simply want to work with the County executive and his staff as we move forward
34 and I also wanted to comment on Councilmember Leventhal you just said that there is a
35 new HHS Director. Did I miss something?

36
37 Councilmember Leventhal,
38 Her name is Uma Alawallia (ph) and she was appointed, announced today at noon by
39 the County Executive and I'm sure her CV will be circulating.

40
41 Council President Praisner,
42 The press releases have been sent to each of the Councilmember offices while, I
43 guess, we were up here. Okay, the resolution and its amendments are in front of us.
44 Peggy, you want to make some -- yes, go ahead Peggy.



January 30, 2007

1
2 Peggy Fitzgerald-Bare,

3 Just, there are two items on page two of my memo that we need to cancel action on.
4 And before that I thought I should also with respect to the memorandum from
5 Councilmembers Trachtenberg and Leventhal, I should clarify my understanding of the
6 memo which is that the report of the Grants Advisory Group will provide narrative
7 comments answering the questions that the criteria contain. The report will not include
8 any ranking, scoring, tierings et cetera. I, in developing my recommendations, a
9 recommended list of highly recommended grants in consultation with the Co-Chairs and
10 the Grant's Advisory Group, because of the large number of applications and the
11 compressed time period, shall we say. I will need to ask the Grants Advisory Group
12 members in my consultations with them, to identify for me those applications that they
13 feel are particularly strong. So I just thought I should probably clarify my understanding
14 of the memo in terms of the work that I will do. And then as I said, there are two other
15 items that on page two of my memo that we do need to have concurrence on.

16
17 Council President Praisner,

18 Okay, can – can we, since we're dealing with them, they are two issues that you want to
19 highlight, but I want to make sure we're all in agreement with what we have said so far.
20 Okay. Peggy. With the exception of Mr. Andrew's point that I think said he was opposed
21 to this proposal because of his personal view about how he would like to approach this
22 issue. Peggy, the two issues you want us to, I will treat them as subsets of this.

23
24 Peggy Fitzgerald-Bare,

25 Right. Do you want to go over them now.

26
27 Council President Praisner,

28 Yes, please.

29
30 Peggy Fitzgerald-bare,

31 Just very briefly on page two of my memo, a question I had posed is the first bullet on
32 that page, which is whether the Council wishes the Grants Advisory Group to prepare
33 an evaluation of the County Executive recommended grants that have not gone through
34 a competitive process and the committee unanimously agreed that they should. And so
35 we just --

36
37 Council President Praisner,

38 I assume that was part of the recommendations, those read here.

39
40 Peggy Fitzgerald-Bare,

41 Right. Right.

42
43 Council President Praisner,



January 30, 2007

1 The only issue that I think for which there is no recommendation and this group needs
2 to decide, is the issue of the State Bond Bills.

3
4 Peggy Fitzgerald-Bare,

5 The second item is the question of whether you want the Grants Advisory Group to
6 review any requests from non-profit organizations that are matching funds for a bond
7 bill. My recommendation had been to have those bond bill requests be reviewed by
8 County Council committees through the committee structure and as I've indicated here,
9 I believe Councilmembers Berliner, Trachtenberg and Praisner felt that they should be
10 reviewed, these bond bill requests should be reviewed through the Council committee
11 structure, Councilmember Leventhal felt that they should be reviewed by the Grant's
12 Advisory Group.

13
14 Councilmember Leventhal,
15 Madame President?

16
17 Council President Praisner,
18 Yes.

19
20 Councilmember Leventhal,
21 After having discussed this matter with you, I'm prepared to go along with the majority of
22 the two committees and with the staff recommendation. That would be a unified
23 recommendation.

24
25 Council President Praisner,
26 Okay, so we have a unified Joint Committee's recommendation as amended by the --
27 well, no, it's by the committees. We have a unified resolution, plus the memorandum
28 from Councilmembers Leventhal and Trachtenberg which amplifies some of the content
29 of the resolution. Those in favor of adopting those actions, raise your hand. Mr.
30 Leventhal, Mr. Berliner, Mr. Knapp, Ms. Trachtenberg, Ms. Floreen, Mr. Elrich, Ms. Ervin
31 and Ms. Praisner. Those opposed Mr. Andrews. It passes 8 to 1. We are adjourned.
32 Nancy want to announce the -- committee time. Is it 2:30.

33
34 Councilmember Floreen,
35 2:30.

36
37 Council President Praisner,
38 2:30. Thank you. We are adjourned.